

By Anne Sharover

* * *

In the Matter of the Accusation of) No. H-9120 SF
)
TERESA T. NGUYEN,)
)
Respondent.)

TO: TERESA T. NGUYEN ("Respondent"):

On October 27, 2005, a restricted real estate salesperson license was issued by the Department of Real Estate to Respondent on the terms, conditions and restrictions set forth in the Real Estate Commissioner's Decision effective October 27, 2005, in Case No. H-9120 SF. This Decision granted the right to the issuance of a restricted real estate salesperson license subject to the provisions of Section 10156.7 of the Business and Professions Code of the State of California, and to enumerated additional terms, conditions and restrictions imposed under authority of Section 10156.6 of said Code.

1 Among those terms, conditions and restrictions, the
2 Decision required Respondent:

3 (a) to take and pass the Professional Responsibility
4 Examination within six months after October 27, 2005, the
5 effective date of the Decision, and provided that if Respondent
6 failed to satisfy this condition, the Commissioner may order
7 suspension of the restricted license until Respondent passes the
8 examination; and

9 (b) within nine (9) months after October 27, 2005, the
10 effective date of the Decision, to present evidence satisfactory
11 to the Real Estate Commissioner that Respondent has, since the
12 most recent issuance of an original or renewal real estate
13 license, taken and successfully completed the continuing
14 education requirements of Article 2.5 of Chapter 3 of the Real
15 Estate Law for renewal of a real estate license, and provided
16 that if Respondent failed to satisfy this condition, the
17 Commissioner may order suspension of the restricted license until
18 Respondent satisfy this condition.

19 As of May 19, 2007, Respondent has failed to pass said
20 Professional Responsibility Examination and has failed to submit
21 proof satisfactory to the Commissioner that Respondent has
22 successfully completed said continuing education requirements.

23 Consequently, the Commissioner has determined that
24 Respondent has failed to satisfy these conditions, and as such,
25 that Respondent is in violation of Section 10177(k) of the
26 Business and Professions Code.

27

1 NOW, THEREFORE, IT IS ORDERED under authority of
2 Section 10156.7 of the Business and Professions Code of the State
3 of California that the restricted real estate license heretofore
4 issued to Respondent and the exercise of any privileges
5 thereunder is hereby suspended until such time as Respondent
6 shall both pass said Professional Responsibility Examination and
7 provide proof satisfactory to the Commissioner that Respondent
8 has successfully completed said continuing education
9 requirements, or pending final determination made after hearing
10 (see "Hearing Rights" set forth below).

11 IT IS FURTHER ORDERED that all license certificates
12 and identification cards issued by the Department of Real Estate
13 which are in the possession of Respondent be immediately
14 surrendered by personal delivery or by mailing in the enclosed
15 self-addressed, stamped envelope:

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

21 HEARING RIGHTS: You have the right to a hearing to
22 contest the Commissioner's determination that you are in
23 violation of Section 10177(k). If you desire a hearing, you must
24 submit a written request. The request may be in any form, as
25 long as it is in writing and indicates that you want a hearing.
26 Unless a written request for a hearing, signed by or on behalf of
27 you, is delivered or mailed to the Department, Legal Section, at
2201 Broadway, P. O. Box 187007, Sacramento, California 95818-

1 7007, within twenty (20) days after the date that this Order was
2 mailed to or served on you, the Department will not be obligated
3 or required to provide you with a hearing.

4 This Order shall be effective immediately.

5 DATED: 6/13, 2007.

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JEFF DAVI
Real Estate Commissioner

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1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED
OCT - 7 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 TERESA T. NGUYEN, et al.,) NO. H-9120 SF
13 Respondents.) STIPULATION AND AGREEMENT
14)

15 It is hereby stipulated by and between TERESA T. NGUYEN
16 only (hereafter Respondent), represented by Frank R. Petteway,
17 Attorney at Law, and the Complainant, acting by and through Truly
18 Sughrue, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing the Accusation as to
20 her filed on February 22, 2005, in this matter:

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

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

4 3. On March 11, 2005, Respondent filed her Notice of
5 Defense pursuant to Section 11505 of the Government Code for the
6 purpose of requesting a hearing on the allegations in the
7 Accusation. Respondent hereby freely and voluntarily withdraws
8 said Notice of Defense. Respondent acknowledges that she
9 understands that by withdrawing said Notice of Defense she will
10 thereby waive her rights to require the Commissioner to prove
11 the allegations in the Accusation at a contested hearing held in
12 accordance with the provisions of the APA, and that she will
13 waive other rights afforded to her in connection with the
14 hearing such as the right to present evidence in defense of the
15 allegations in the Accusation and the right to cross-examine
16 witnesses.

17 4. Respondent, pursuant to the limitations set forth
18 below, hereby admits that the factual allegations pertaining to
19 her in Paragraphs I through VII of the Accusation filed in this
20 proceeding are true and correct and the Real Estate Commissioner
21 shall not be required to provide further evidence of such
22 allegations.

23 5. Without admitting the truth of the remaining
24 factual allegations pertaining to her contained in the Second
25 Cause of Action in the Accusation, Respondent stipulates that she
26 will not interpose a defense thereto. This Stipulation is based
27 on the factual allegations as to Respondent contained in the

1 Accusation. In the interests of expedience and economy,
2 Respondent chooses not to contest these allegations, but to
3 remain silent and understands that, as a result thereof, these
4 factual allegations, without being admitted or denied, will serve
5 as the basis for the disciplinary action stipulated to herein.
6 The Real Estate Commissioner shall not be required to provide
7 further evidence to prove said factual allegations.

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

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

25 DETERMINATION OF ISSUES

26 By reason of the foregoing stipulations, admissions
27 and waivers, and for the purpose of settlement of the pending

1 Accusation as to Respondent without a hearing, it is stipulated
2 and agreed that the following determination of issues shall be
3 made:

4 The acts and/or omissions of Respondent TERESA T. NGUYEN
5 as stipulated above violate Section 10145(c) of the California
6 Business and Professions Code (hereafter the Code), and constitute
7 grounds for disciplinary action against the real estate license
8 and license rights of Respondent under the provisions of Sections
9 10176(a), 10177(d), and 10177(g) of the Code.

10 ORDER

11 A. All real estate license and license rights of Respondent
12 TERESA T. NGUYEN are hereby revoked.

13 B. A restricted real estate salesperson license shall be issued
14 to Respondent pursuant to Section 10156.6 of the Code, if she
15 makes application therefor and pays to the Department the
16 appropriate fee for said license within ninety (90) days of
17 the effective date of the Order.

18 C. The restricted license issued to Respondent shall be subject
19 to all of the provisions of Section 10156.7 of the Business
20 and Professions Code and to the following limitations imposed
21 under authority of Section 10156.6 of said Code:

22 1. Immediately upon issuance of the restricted license, all
23 real estate license and license rights of Respondent
24 shall be suspended for a period of thirty (30) days.

25 2. The restricted license issued to Respondent may be
26 suspended prior to hearing by order of the Real Estate
27 Commissioner in the event of Respondent's conviction or

1 plea of nolo contendere to a crime which bears a
2 substantial relationship to Respondent's fitness or
3 capacity as a real estate licensee.

4 3. The restricted license may be suspended prior to hearing
5 by Order of the Real estate Commissioner on evidence
6 satisfactory to the Commissioner that Respondent has
7 violated provisions of the California Real Estate Law,
8 the Subdivided Lands Law, Regulations of the Real Estate
9 Commissioner or conditions attaching to the restricted
10 license.

11 4. Respondent shall not be eligible to apply for the issuance
12 of an unrestricted real estate license, nor the removal
13 of any of the conditions of the restricted license, until
14 two (2) years have elapsed from the effective date of
15 this Order.

16 5. Respondent shall submit with any application for license
17 under an employing broker, or any application for transfer
18 to an new employing broker, a statement signed by the
19 prospective employing real estate broker on a form approved
20 by the Department of Real Estate which shall certify:

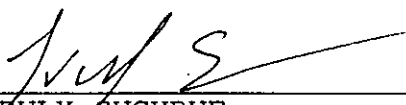
21 (a) That the employing broker has read the Decision
22 of the Commissioner which granted the right to a
23 restricted license; and

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

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

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

21
22 8-Sept-05
23 DATED

21
22 
23 TRULY SUGHRUE
24 Counsel for the Complainant


24 * * *

25 I have read the Stipulation and Agreement, have
26 discussed it with my counsel, and its terms are understood by me
27 and are agreeable and acceptable to me. I understand that I am

1 waiving rights given to me by the California Administrative
2 Procedure Act, and I willingly, intelligently and voluntarily
3 waive those rights, including the right of requiring the
4 Commissioner to prove the allegations in the Accusation at a
5 hearing at which I would have the right to cross-examine witnesses
6 against me and to present evidence in defense and mitigation of
7 the charges.

8
9 August 30, 2005

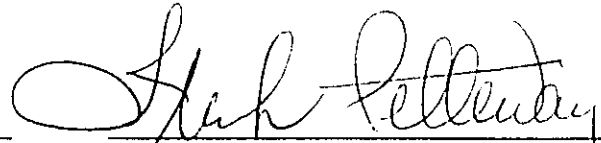
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12 x
13 TERESA T. NGUYEN
14 Respondent

15 APPROVED AS TO FORM:

16 August 30, 2005

17 DATED

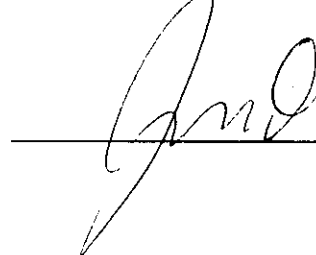
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19 FRANK R. PETTEWAY
20 Attorney for Respondent

21 * * *

22 The foregoing Stipulation and Agreement is hereby
23 adopted as my Decision and shall become effective at 12 o'clock
24 noon on October 27, 2005.

25 IT IS SO ORDERED 09-20-05, 2005.

26 JEFF DAVI
27 Real Estate Commissioner



1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187007
3 Sacramento, CA 95818-7007
4 Telephone: (916) 227-0789

FILED
OCT - 7 2005

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By K. Contreras

8 BEFORE THE
9 DEPARTMENT OF REAL ESTATE
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17 It is hereby stipulated by and between MILLENNIUM 2000
18 REALTY, INC., only (hereafter Respondent), represented by
19 Jil Dalesandro, Attorney at Law, Hoge Fenton Jones & Appel Inc.,
20 and the Complainant, acting by and through Truly Sughrue, Counsel
21 for the Department of Real Estate, as follows for the purpose
22 of settling and disposing the Accusation as to it filed on
23 February 22, 2005 in this matter:

24 1. All issues which were to be contested and all
25 evidence which was to be presented by Complainant and Respondent
26 at a formal hearing on the Accusation, which hearing was to be
27 held in accordance with the provisions of the Administrative

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

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

7 3. On March 7, 2005, Respondent filed a Notice of
8 Defense pursuant to Section 11505 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that it
12 understands that by withdrawing said Notice of Defense it will
13 thereby waive its rights to require the Commissioner to prove
14 the allegations in the Accusation at a contested hearing held in
15 accordance with the provisions of the APA, and that it will waive
16 other rights afforded to it in connection with the hearing such
17 as the right to present evidence in defense of the allegations in
18 the Accusation and the right to cross-examine witnesses.

19 4. Respondent, pursuant to the limitations set forth
20 below, hereby admits that the factual allegations in Paragraphs I
21 through VII of the Accusation filed in this proceeding are true
22 and correct and the Real Estate Commissioner shall not be
23 required to provide further evidence of such allegations.

24 5. Without admitting the truth of the factual
25 allegations as to Respondent contained in the remaining
26 paragraphs in the Accusation, Respondent stipulates that it will
27 not interpose a defense thereto. This Stipulation is based on

1 the factual allegations contained in the Accusation as found
2 below. In the interests of expedience and economy, Respondent
3 chooses not to contest the remaining allegations, but to remain
4 silent, and understands that, as a result thereof, these factual
5 allegations, without being admitted or denied, will serve as a
6 basis for the disciplinary action stipulated to herein. The Real
7 Estate Commissioner shall not be required to provide further
8 evidence to prove said factual allegations.

9 6. Respondent has received, read and understands the
10 "Notice Concerning Costs of Audits." Respondent understands, by
11 agreeing to this Stipulation and Agreement, and after the
12 findings set forth below in the "Determination of Issues" become
13 final, that the Commissioner may charge Respondent for the costs
14 of the following audits that have been and may be conducted
15 pursuant to Section 10148 of the Business and Professions Code:

16 (a) Audit #OK 02-0137(MLB)/OK-0138(OA) dated
17 July 31, 2003: Not more than \$6,232.00;

18 (b) Future follow-up audit: Not more than
19 \$6,232.00.

20 7. It is understood by the parties that the Real Estate
21 Commissioner may adopt the Stipulation and Agreement as his
22 decision in this matter thereby imposing the penalty and sanctions
23 on the real estate licenses and license rights of Respondent as
24 set forth in the below "Order". In the event that the Commissioner
25 in his discretion does not adopt the Stipulation and Agreement,
26 it shall be void and of no effect, and Respondent shall retain
27 the right to a hearing and proceeding on the Accusation under all

1 the provisions of the APA and shall not be bound by any admission
2 or waiver made herein.

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

9 * * *

10 DETERMINATION OF ISSUES

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

15 The acts and/or omissions of Respondent MILLENNIUM 2000
16 REALTY, INC., as stipulated above violate Sections 10148 of the
17 California Business and Professions Code (hereafter the Code),
18 and Section 2831 of Title 10, California Code of Regulations, and
19 constitute grounds for disciplinary action under the provisions
20 of Sections 10176(g) and 10177(d) of the Code.

21 * * *

22 ORDER

23 A. All real estate license(s) and license rights of Respondent
24 MILLENNIUM 2000 REALTY, INC., are hereby suspended for a
25 period of one hundred and eighty (180) days from the
26 effective date of the Decision.

27 ///

1 B. The first one hundred and fifty (150) days of said suspension
2 are stayed for a period of two (2) years upon the following
3 terms and conditions:

- 4 (1) Respondent shall obey all laws, rules and regulations
5 governing the rights, duties and responsibilities of a
6 real estate licensee in the State of California.
- 7 (2) The Commissioner may, if a final subsequent determination
8 is made, after hearing or upon stipulation, that cause
9 for disciplinary action against Respondent's license(s)
10 has occurred within two (2) years from the effective
11 date of the Decision, vacate and set aside the stay
12 order and reimpose all or a portion of the stayed
13 suspension. Should no order vacating the stay be made
14 pursuant to this condition, the stay imposed herein
15 shall become permanent.
- 16 (3) Pursuant to Section 10148 of the Business and Professions
17 Code, Respondent MILLENNIUM 2000 REALTY, INC., shall
18 pay the Commissioner's reasonable costs for audits as a
19 result of the trust fund violations found herein, as
20 follows:

21 (a) Audit #OK 02-0137 (MLB)/OK-0138 (OA) dated
22 July 31, 2003: Not more than \$6,232.00;

23 (b) Future follow-up audit: Not more than
24 \$6,232.00.

25 In calculating the amount of the Commissioner's
26 reasonable costs, the Commissioner may use the estimated
27 average hourly salary for all Department Audit Section

1 personnel performing audits of real estate brokers, and
2 shall include an allocation for travel costs, including
3 mileage, time to and from the auditor's place of work and
4 per diem. Respondent MILLENNIUM 2000 REALTY, INC., shall
5 pay such costs within sixty (60) days of receiving an
6 invoice from the Commissioner detailing the activities
7 performed during the audit and the amount of time spent
8 performing those activities. The Commissioner may
9 suspend the license of Respondent pending a hearing held
10 in accordance with Section 11500, et seq., of the
11 Government Code, if payment is not timely made as
12 provided for herein, or as provided for in a subsequent
13 agreement between Respondent and the Commissioner. The
14 suspensions shall remain in effect until payment is made
15 in full for each audit or until Respondent enters into an
16 agreement satisfactory to the Commissioner to provide for
17 payment, or until a decision providing otherwise is adopted
18 following a hearing held pursuant to this condition.

19 C. If Respondent petitions the Department in writing pursuant
20 to Section 10175.2 of the Code prior to the effective date
21 of the Decision, the remaining thirty (30) days of said
22 suspension shall be stayed upon condition that:

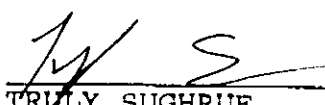
- 23 (1) Respondent shall pay a monetary penalty pursuant to
24 Section 10175.2 of the Code at the rate of \$100.00 for
25 each day of suspension for a total maximum monetary
26 penalty of \$3,000.00.

27 ///

- 1 (2) Said payment shall be in the form of a cashier's check
2 or certified check made payable to the Recovery Account
3 of the Real Estate Fund. Said check must be received
4 by the Department prior to the effective date of the
5 Decision in this matter.
- 6 (3) No further cause for disciplinary action against the
7 real estate license of Respondent occurs within two (2)
8 years from the effective date of the Decision.
- 9 (4) If Respondent fails to pay the monetary penalty in
10 accordance with the terms and conditions of the Decision,
11 the Commissioner may, without a hearing, order the
12 immediate execution of all or any part of the stayed
13 suspension, in which event Respondent shall not be
14 entitled to any repayment nor credit, prorated or
15 otherwise, for money paid to the Department under the
16 terms of this Decision.
- 17 (5) If Respondent pays the monetary penalty and if no
18 further cause for disciplinary action against the real
19 estate license of Respondent occurs within two (2) years
20 from the effective date of the Decision, the stay hereby
21 granted in this condition and in condition B above to
22 Respondent shall become permanent.
- 23 (6) If the Real Estate Commissioner determines that further
24 cause for disciplinary action against Respondent's
25 license has occurred within two (2) years from the
26 effective date of the Decision, the stay of suspension
27 hereby granted, or such portion of the stay as the Real

1 Estate Commissioner shall deem appropriate, shall be
2 vacated.

3
4 8-Sept-05
5 DATED

6 
7 TRULY SUGHRUE
8 Counsel for Complainant

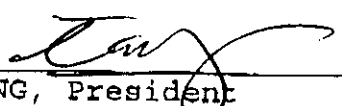
9 * * *

10 I have read the Stipulation and Agreement, have
11 discussed it with my counsel, and its terms are understood by me
12 and are agreeable and acceptable to me. I understand that I am
13 waiving rights given to me by the California Administrative
14 Procedure Act, and I willingly, intelligently and voluntarily
15 waive those rights, including the right of requiring the
16 Commissioner to prove the allegations in the Accusation at a
17 hearing at which I would have the right to cross-examine
18 witnesses against me and to present evidence in defense and
19 mitigation of the charges.

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08/24/05
DATED

By:


TARA DANG, President

APPROVED AS TO FORM:

8/26/05
DATED


JIE DALESANDRO
Attorney for Respondent

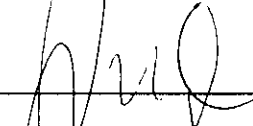
* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision and shall become effective at 12 o'clock
noon on October 27, 2005.

IT IS SO ORDERED 1/28, 2005.

JEFF DAVI
Real Estate Commissioner

Real Estate Commissioner



FILED
JUN 22 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
)
LONG VAN CHU, et al.,) NO. H-9120 SF
)
Respondent.)
)

DISMISSAL

Respondent, LONG VAN CHU, having passed away on
March 1, 2005, the Accusation herein filed on February 22, 2005,
against Respondent is hereby DISMISSED.

IT IS SO ORDERED this 14th day of June, 2005.

JEFF DAVI
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

1 DEIDRE L. JOHNSON, Counsel
2 SBN 66322
3 Department of Real Estate
4 P. O. Box 187007
5 Sacramento, CA 95818-7007
6
7 Telephone: (916) 227-0789

FILED
FEB 22 2005

DEPARTMENT OF REAL ESTATE

By K. Contreras

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

11 * * *

12 In the Matter of the Accusation of)
13)
14 MILLENNIUM 2000 REALTY, INC.,) NO. H-9120 SF
15 LONG VAN CHU, and)
16 TERESA T. NGUYEN,) ACCUSATION
Respondents.)

17 The Complainant, CHARLES W. KOENIG, a Deputy Real
18 Estate Commissioner of the State of California, for causes of
19 Accusation against MILLENNIUM 2000 REALTY, INC., LONG VAN CHU,
20 and TERESA T. NGUYEN, is informed and alleges as follows:

21 PRELIMINARY ALLEGATIONS

22 I

23 Respondents MILLENNIUM 2000 REALTY, INC., LONG VAN CHU,
24 and TERESA T. NGUYEN are presently licensed and/or have license
25 rights under the Real Estate Law, Part 1 of Division 4 of
26 the California Business and Professions Code (hereafter the
27 Code).

1 II

2 The Complainant, CHARLES W. KOENIG, a Deputy Real
3 Estate Commissioner of the State of California, makes this
4 Accusation against Respondents in his official capacity and not
5 otherwise.

6 III

7 At all times herein mentioned, Respondent MILLENNIUM
8 2000 REALTY, INC. (hereafter MILLENNIUM) was and is licensed by
9 the State of California Department of Real Estate (hereafter
10 Department) as a real estate broker corporation.

11 IV

12 At all times herein mentioned, Respondent LONG VAN CHU
13 (hereafter CHU) was and is licensed by the Department as an
14 individual real estate broker, and as the designated broker
15 officer of MILLENNIUM.

16 V

17 At all times herein mentioned, Respondent TERESA T.
18 NGUYEN (hereafter NGUYEN) was and is licensed by the Department
19 as an individual real estate salesperson, associated with and in
20 the employ of MILLENNIUM.

21 VI

22 Whenever reference is made in an allegation herein to
23 an act or omission of MILLENNIUM, such allegation shall be
24 deemed to mean that MILLENNIUM, and/or the officers, directors,
25 employees, agents and/or real estate licensees employed by or
26 associated with MILLENNIUM committed such act or omission while
27 engaged in the furtherance of the business or operations of the

1 company and while acting within the course and scope of their
2 authority and employment.

3 VII

4 Within the last three years, Respondent MILLENNIUM
5 engaged in the business of, acted in the capacity of, advertised,
6 or assumed to act as a real estate broker with the public within
7 the State of California, for or in expectation of compensation,
8 including the operation and conduct of:

- 9 (a) a mortgage loan brokerage business soliciting
10 borrowers or lenders for loans secured directly or
11 collaterally by liens on real property, and
12 wherein such loans arranged, negotiated, and
13 consummated on behalf of others; and
14 (b) a real property sales business selling or offering
15 to sell, buying or offering to buy, soliciting
16 prospective sellers or purchasers of, and/or
17 negotiating the purchase, sale or exchange of real
18 property.

19 FIRST CAUSE OF ACTION

20 VIII

21 Beginning in or about June of 2003, the Department
22 conducted an audit of the books and records of Respondent
23 MILLENNIUM for the time period of May 1, 2001 to April 30, 2003
24 (hereafter the audit period), as set forth in more detail in
25 Department Audit Report No. OK-02-0137/OK-02-0138, dated July 31,
26 2003, and all accompanying working papers and exhibits. During
27 the audit period, Respondent MILLENNIUM accepted or received

1 funds in trust from or on behalf of borrowers and charged
2 borrowers fees and costs of loan transactions.

3 IX

4 In connection with the audit, Respondent MILLENNIUM
5 was requested, after reasonable notice from the Department, to
6 produce specified records and documents executed or obtained by
7 MILLENNIUM regarding transactions for which a real estate license
8 is required, including but not limited to the following:

9 Original loan file (Escrow #41039065-273 JBB)
10 regarding Ricardo and Emma Torres that closed
11 on January 4, 2002. The loan amount was for
12 \$291,000 funded by Aames Funding Corp. The
loan was secured by the property located at
1569 Tolbert Dr., San Jose, CA 95122.

13 X

14 Beginning in or about August of 2003, and continuing to
15 the present, MILLENNIUM has failed to retain and make available
16 for examination and inspection by a designated representative of
17 the Commissioner of the Department complete records as described
18 in Paragraph IX above. The records produced by Respondent
19 MILLENNIUM were not sufficient to conduct or complete an audit
20 of loan transactions pertaining to borrowers Ricardo and Emma
21 Torres.

22 XI

23 In connection with the receipt and disbursement of
24 trust funds as above alleged, Respondent MILLENNIUM failed to
25 maintain a written trust fund log of trust funds received but not
26 deposited to a trust account, containing all information required
27 by Section 2831 of the Regulations, including but not limited to

1 the date funds were received and/or the date of the disposition
2 of the funds.

3 XII

4 In connection with loan transactions during the audit
5 period, MILLENNIUM charged and collected from borrowers amounts
6 for appraisal fees and credit report fees that were in excess
7 of the actual amounts charged by third-party providers for
8 appraisals and credit reports and failed to disclose such excess
9 fees to borrowers, including but not limited to the following:

10

11

Borrower	Item	Fee Incurred	Fee Collected	Secret Profit
Enrio 5/22/02	Appraisal Credit	\$300 18 <u>\$318</u>	\$350 50 <u>\$400</u>	\$ 82
Escobar 11/25/02	Appraisal Credit	\$300 18 <u>\$318</u>	\$350 50 <u>\$400</u>	\$ 82
Espinoza 12/5/02	Appraisal	\$300	\$350	\$ 50

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21 XIII

22 By virtue of the excess fees charged to borrowers as
23 alleged in Paragraph XII above, MILLENNIUM claimed or took a
24 secret or undisclosed amount of compensation, commission or
25 profit, and/or failed to reveal to its employing clients the full
26 amount of its compensation, commission or profit.

27 ///

1 XIV

2 The acts and/or omissions of Respondent MILLENNIUM as
3 alleged above constitute grounds for disciplinary action under
4 the following provisions:

5 (a) As to Paragraphs IX and X, under Section 10148 of
6 the Code in conjunction with Section 10177(d)
7 of the Code;

8 (b) As to Paragraph XI, under Section 2831 of the
9 Regulations in conjunction with Section 10177(d)
10 of the Code; and

11 (d) As to Paragraphs XII and XIII, under Section
12 10176(g) of the Code.

13 SECOND CAUSE OF ACTION

14 XV

15 In or about early 2002, Tom McGoldrick (hereafter
16 Seller) offered to sell his residential real property known as
17 and located at 622 E. Minor Street, Stockton, San Joaquin County,
18 California, and was represented by real estate broker Century 21
19 M&M Associates. Time was of the essence as Seller was involved
20 in a Section 1031 real estate exchange transaction.

21 XVI

22 On or about February 19, 2002, Respondents MILLENNIUM
23 and CHU, by and through their agent Respondent NGUYEN, prepared a
24 real estate purchase contract and receipt for deposit (hereafter
25 Offer/Deposit Receipt) to constitute the offer of prospective
26 buyer Chan Nguyen (hereafter Buyer) to purchase the above real
27 property. The Offer/Deposit Receipt acknowledged receipt by

1 Respondents MILLENNIUM and NGUYEN from Buyer of a deposit in the
2 sum of \$5,000.00, in the form of a personal check, and stated
3 that said funds were to be held uncashed until the opening of
4 escrow, and then deposited with the escrow holder within three
5 business days thereafter. Said funds were trust funds.

6 XVII

7 Respondent NGUYEN presented the Offer/Deposit Receipt
8 to Seller and expressly or impliedly represented that Buyer had
9 given her a check for the above earnest money deposit; that the
10 earnest money deposit was in the sum of \$5,000.00; that
11 MILLENNIUM would hold the check uncashed until acceptance; and
12 that, upon acceptance the company would immediately deposit the
13 funds into escrow with the escrow holder within three business
14 days after escrow was opened. In reliance thereon, Seller
15 entered into negotiations which led to acceptance on or about
16 February 21, 2002.

17 XVIII

18 Respondent NGUYEN failed to disclose to Seller either
19 that she and MILLENNIUM were not in receipt of any earnest money
20 deposit from Buyer in any amount or form whatsoever; or that she
21 had returned the earnest money deposit to Buyer.

22 XIX

23 Respondent NGUYEN failed to immediately deliver the
24 above trust funds to the broker under whom she was licensed, or,
25 if directed by the broker, into the hands of the broker's
26 principal, into a neutral escrow depository, or into a trust fund
27 account in the name of Respondent NGUYEN's employing broker as

1 trustee at a bank or other financial institution as required by
2 Section 10145 of the Code.

3 XX

4 On or about February 22, 2002, escrow for the
5 transaction was opened at Old Republic Title in Lodi, California.
6 On and after February 23, 2002, Respondents MILLENNIUM, CHU, and
7 NGUYEN, and each of them, knew or should have known that they did
8 not have Buyer's earnest money deposit to deposit into escrow at
9 Old Republic Title, or at any other escrow or title company,
10 immediately after acceptance or at any time thereafter.
11 Respondents failed to disclose this material information to
12 Seller for over a month.

13 XXI

14 On or about March 25, 2002, Respondent NGUYEN
15 represented to Seller that she had purportedly given the above
16 earnest money deposit check back to Buyer for Buyer's purported
17 delivery to the escrow holder. On or about March 28, 2002, Buyer
18 attempted to cancel the transaction. On or about April 17, 2002,
19 Buyer deposited an earnest money check to the escrow holder that
20 was rejected by the bank as non-negotiable.

21 XXII

22 The acts and/or omissions of Respondents MILLENNIUM and
23 CHU as alleged above constitute grounds for disciplinary action
24 under the provisions of Section 10176(a) and/or Section 10177(g)
25 of the Code.

26 ///

27 ///

1 XXIII

2 The acts and/or omissions of Respondent NGUYEN as
3 alleged above violate Section 10145(c) of the Code, and
4 constitute grounds for disciplinary action under the provisions
5 of Sections 10176(a), 10177(d), and/or 10177(g) of the Code.

6 THIRD CAUSE OF ACTION

7 XXIV

8 At all times mentioned herein, Respondent CHU failed
9 to exercise reasonable supervision and control of the activities
10 of MILLENNIUM for which a real estate license is required. In
11 particular, CHU caused, permitted, and/or ratified the conduct
12 described in the First and Second Causes of Action above,
13 and/or failed to take reasonable steps to implement effective
14 supervision that would have prevented it, including but not
15 limited to: (a) the establishment of policies, rules, procedures,
16 and systems to review, oversee, inspect and manage the business
17 including but not limited to the handling of trust funds and
18 trust fund records; earnest money deposits, charges for credit
19 reports and appraisals; and maintenance of transaction records;
20 and (b) the establishment of systems for monitoring compliance
21 with such policies, rules, procedures, and systems, to ensure
22 compliance by the company with the Real Estate Law.

23 XXV

24 The acts and/or omissions of Respondent CHU as alleged
25 above violate Section 2725 of the Regulations, and constitute
26 grounds for disciplinary action under the provisions of Sections
27 10177(d) and 10177(h) of the Code.

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

8
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11 
12 CHARLES W. KOENIG
13 Deputy Real Estate Commissioner

14 Dated at Sacramento, California,
15 this 22nd day of February, 2005.