

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)

H-9865 SF

QUYNHVI THUY NGUYEN,)

Respondent.)

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 July 6, 2007, and the findings of fact set forth herein, which are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of crimes.

The right to reinstatement of a revoked real estate license is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

FINDINGS OF FACT

I

On January 19, 2007, Charles W. Koenig made the instant Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were served by certified mail, return receipt requested, to Respondent's last known mailing addresses on file with the Department on January 19, 2007 and again on March 22, 2007.

On July 6, 2007, 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.

II

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 (hereinafter "Code") as a real estate salesperson.

III

On or about July 25, 2006, in the Superior Court of the State of California, County of Santa Clara, Respondent was convicted of the following crimes, each of which involves moral turpitude and bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, (herein "the Regulations"), to the qualifications, functions, or duties of a real estate licensee:

- (1) the crime of Conspiracy to Commit a Crime in violation of Penal Code section 182(a), a felony;
- (2) four counts of the crime of Grand Theft of Personal Property in violation of Penal Code section 484/487(a), a felony; and
- (3) four counts of the crime of Using Personal Identifying Information Without Authorization in violation of Penal Code section 530.5(a), a felony.

DETERMINATION OF ISSUES

Ι

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code sections 490 and $10177\,(b)$.

TT

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

ORDER

All licenses and licensing rights of Respondent
QUYNHVI THUY 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 SEP 1 0 2007

DATED: ______, 2007

JEFF DAVY
Real Estate Commissioner

Department of Real Estate P. O. Box 187007 Sacramento, CA 95818-7007 Telephone: (916) 227-0789 3 4 DEPARTMENT OF REAL ESTATE 5 6 7 BEFORE THE 8 DEPARTMENT OF REAL ESTATE 9 STATE OF CALIFORNIA 10 11 In the Matter of the Accusation of No. H-9865 SF 12 DEFAULT ORDER QUYNHVI THUY NGUYEN, 13 Respondent. 14 15 Respondent, QUYNHVI THUY NGUYEN, having failed to file 16 a Notice of Defense within the time required by Section 11506 of 17 the Government Code, is now in default. It is, therefore, 18 ordered that a default be entered on the record in this matter. 19 IT IS SO ORDERED July 6, 2007. 20 JEFF DAVI 21 Real Estate Commissioner 22 23 24 Regional Manager 25

26

JEANINE K. CLASEN, Counsel (SBN 164404) Department of Real Estate P. O. Box 187007 Sacramento, CA 95818-7007 3 Telephone: (916) 227-0789 DEPARTMENT OF REAL ESTATE (916) 227-0868 (Direct) -or-4 5 6 BEFORE THE DEPARTMENT OF REAL ESTATE 7 STATE OF CALIFORNIA 8 9 In the Matter of the Accusation of 10 H-9865 SF **OUYNHVI THUY NGUYEN,** 11 **ACCUSATION** Respondent. 12 The Complainant, CHARLES W. KOENIG, a Deputy Real 15 Estate Commissioner of the State of California, for cause of Accusation against QUYNHVI THUY NGUYEN, (herein "Respondent"), is informed and alleges as follows: 18 Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereinafter "the Code") as a real 22 estate salesperson subject to Section 10153.4 of Code. 23 II 24 Complainant, CHARLES W. KOENIG, a Deputy Real Estate 25 Commissioner of the State of California, makes this Accusation against Respondent in his official capacity.

- 1 -

13

14

16

17

19

20

21

26

III

On or about July 25, 2006, in the Superior Court of the State of California, County of Santa Clara (Case Number CC599086), Respondent was convicted of the following crimes, each of which involves moral turpitude and bears a substantial relationship under Section 2910, Title 10, California Code of Regulations, (herein "the Regulations"), to the qualifications, functions, or duties of a real estate licensee:

- (1) the crime of Conspiracy To Commit A Crime in violation of Penal Code Section 182(a), a felony;
- (2) four counts of the crime of Grand Theft Of Personal Property in violation of Penal Code Section 484/487(a), a felony; and
- (3) four counts of the crime of Using Personal Identifying Information Without Authorization in violation of Penal Code Section 530.5(a), a felony.

IV

The facts alleged above constitute cause under Sections 10177(b) and 490 of the Business and Professions Code for suspension or revocation of Respondent's license under the Real Estate Law.

///

///

24 ///

///

///

///

- 2 -

1

2 3

10

11

12

13

14

15

16

17

18

19

20

21

22

23

25

26

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 Code, and for such other and further relief as may be proper under provisions of law.

Deputy Real Estate Commissioner

1.

this 180 day of January, 2007.

Dated at Sacramento, California