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FEB - 9 2010

DEPARTMENT OF REAL ESTATE

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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-10401 SF
)	
CORINA CAMPA,)	
)	
Respondent.)	
)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE

(Continuing Education)

TO: CORINA CAMPA ("Respondent"):

On March 9, 2009, 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 February 18, 2009, in Case No. H-10401 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. Among those terms, conditions and restrictions, the Decision required Respondent, within nine (9) months after February 18, 2009, the effective date of the Decision, to present evidence satisfactory to the Real Estate Commissioner that

1 Respondent has, since the most recent issuance of an original or renewal real estate license, taken
2 and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of
3 the Real Estate Law for renewal of a real estate license, and provided that if Respondent failed to
4 satisfy this condition, the Commissioner may order suspension of the restricted license until
5 Respondent satisfy this condition.

6 As of December 28, 2009, Respondent has failed to submit proof satisfactory to
7 the Commissioner of satisfying this condition. The Commissioner has determined that
8 Respondent has failed to satisfy this condition, and as such, that Respondent's license may be
9 suspended until Respondent satisfies this condition.

10 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the
11 Business and Professions Code of the State of California that Respondent's real estate
12 salesperson license and the exercise of any privileges thereunder is hereby suspended until such
13 time as Respondent provides proof satisfactory to the Commissioner of compliance with the
14 condition referred to above, or pending final determination made after hearing (see "Hearing
15 Rights" set forth below).

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

20 DEPARTMENT OF REAL ESTATE
21 ATTN: Flag Section
22 P. O. Box 187000
Sacramento, CA 95818-7000

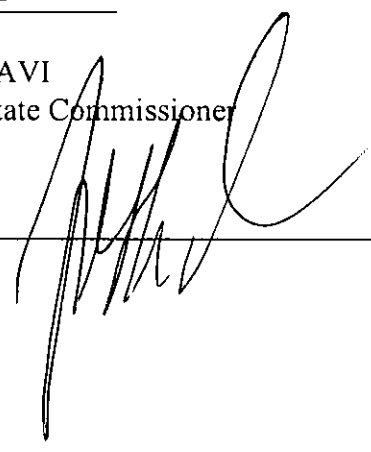
23 HEARING RIGHTS: You have the right to a hearing to contest the
24 Commissioner's determination that you are not in compliance with this condition. If you desire a
25 hearing, you must submit a written request. The request may be in any form, as long as it is in
26 writing and indicates that you want a hearing. Unless a written request for a hearing, signed by
27 or on behalf of you, is delivered or mailed to the Department, Legal Section, at 2201 Broadway,

1 P. O. Box 187007, Sacramento, California 95818-7007, within twenty (20) days after the date
2 that this Order was mailed to or served on you, the Department will not be obligated or required
3 to provide you with a hearing.

4 This Order shall be effective immediately.

5 DATED: 1-28-2010

6 JEFF DAVI
7 Real Estate Commissioner

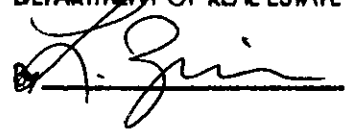
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OCT 23 2009

DEPARTMENT OF REAL ESTATE



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)	No. H-10401 SF
)	
CORINA CAMPA,)	
)	
Respondent.)	
)	

ORDER SUSPENDING RESTRICTED REAL ESTATE LICENSE
(Professional Responsibility Examination)

TO: CORINA CAMPA ("Respondent"):

On March 9, 2009, 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 February 18, 2009, in Case No. H-10401 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. Among those terms and conditions, the Decision required Respondent to take and pass the Professional Responsibility Examination (hereinafter "the condition") within six (6) months after February 18, 2009, the effective date of the Decision,

1 and provided that if Respondent failed to satisfy this condition, the Commissioner may order
2 suspension of the restricted license until Respondent passes the examination.

3 As of August 18, 2009, Respondent has failed to submit proof satisfactory to the
4 Commissioner of successfully passing the above-ordered examination. The Commissioner has
5 determined that Respondent has failed to satisfy this condition, and as such, that Respondent's
6 license may be suspended until Respondent satisfies this condition.

7 NOW, THEREFORE, IT IS ORDERED under authority of Section 10156.7 of the
8 Business and Professions Code of the State of California that Respondent's real estate
9 salesperson license and the exercise of any privileges thereunder is hereby suspended until such
10 time as Respondent provides proof satisfactory to the Commissioner of compliance with the
11 condition referred to above, or pending final determination made after hearing (see "Hearing
12 Rights" set forth below).

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

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

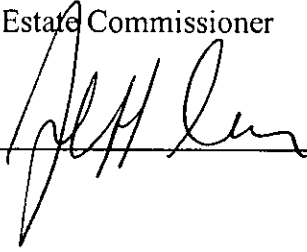
21 HEARING RIGHTS: You have the right to a hearing to contest the
22 Commissioner's determination that you are in compliance with this condition. If you desire a
23 hearing, you must submit a written request. The request may be in any form, as long as it is in
24 writing and indicates that you want a hearing. Unless a written request for a hearing, signed by
25 or on behalf of you, is delivered or mailed to the Department, Legal Section, at 2201 Broadway,
26 P. O. Box 187007, Sacramento, California 95818-7007, within twenty (20) days after the date
27 that this Order was mailed to or served on you, the Department will not be obligated or required
to provide you with a hearing.

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This Order shall be effective immediately.

DATED: 10-21-09

JEFF DAVI
Real Estate Commissioner



FILED

JAN 29 2009

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
By X. Frost

In the Matter of the Accusation of)	
)	NO. H-10401 SF
CORINA CAMPA, LAKAMI PROFESSIONAL)	
SERVICES, INC., a California Corporation,)	OAH NO. 2008060929
CINDY NGUYEN, and JOSEPH HAI DINH,)	
)	
Respondents.)	
_____)	

DECISION

The Proposed Decision dated December 29, 2008, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter with the following corrections:

Pursuant to Section 11517(b)(3) of the Government Code, the sentence "Maxine Monaghan, Attorney at Law, represented respondent Corina Campa" is substituted for "Maxine Monaghan, Attorney at Law, represented respondent Corina Campos" in the only sentence of the third paragraph under the heading "PROPOSED DECISION" on page 1 of the Proposed Decision.

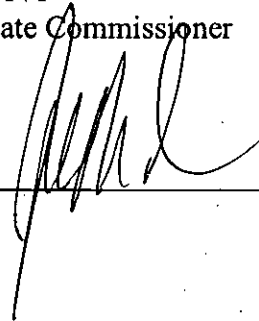
Pursuant to Section 11517(b)(3) of the Government Code, the sentence "Campa did not hold a real estate license prior to July 23, 2005" is substituted for "Campa did not hold a real estate license prior to June 23, 2005" in line 2 of Paragraph 1. of the "FACTUAL FINDINGS" on page 1 of the Proposed Decision.

Pursuant to Section 11517(b)(3) of the Government Code, the sentence "All licenses and licensing rights of respondent Lakami Professional Services, Inc., under the Real Estate Law are revoked by reason of Legal Conclusions 10, 11 and 12, jointly and for each of them." is substituted for "All licenses and licensing rights of respondent Lakima Professional Services, Inc., under the Real Estate Law are revoked by reason of Legal Conclusions 10, 11 and 12, jointly and for each of them." in Paragraph 2 of the "ORDER" on page 9 of the Proposed Decision.

This Decision shall become effective at 12 o'clock noon on
FEB 18 2009

IT IS SO ORDERED 1-27 2009.

JEFF DAVI
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

CORINA CAMPA; LAKAMI
PROFESSIONAL SERVICES, INC.; a
California corporation; CINDY NGUYEN;
and JOSEPH HAI DINH,

Respondent.

Case No. H-10401 SF

OAH No. 2008060929

PROPOSED DECISION

Administrative Law Judge Melissa G. Crowell, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on December 10 and 11, 2008.

Michael B. Rich, Counsel, represented complainant Charles W. Koenig, a Deputy Real Estate Commissioner.

Maxine Monaghan, Attorney at Law, represented respondent Corina Campos, who was present at hearing.

Shawn R. Parr, Attorney at Law, represented respondents Cindy Nguyen and Lakami Professional Services, Inc. Cindy Nguyen was not present at hearing.

A settlement was reached between complainant and respondent Joseph Hai Dinh prior to the opening of the record. As a consequence, respondent Dinh did not participate or testify in these proceedings.

The matter was submitted for decision on December 11, 2008.

FACTUAL FINDINGS

1. On July 23, 2005, the Department of Real Estate issued a real estate salesperson license to respondent Corina Campa. Campa did not hold a real estate license prior to June 23, 2005.

2. On March 9, 2006, the department issued a real estate salesperson license to respondent Cindy Nguyen. Nguyen did not hold a real estate license prior to March 9, 2006.

3. At all times relevant to this proceeding, respondent Lakami Professional Services, Inc. (LPSI), has been licensed by the department as a corporate real estate broker with Joseph Hai Dinh as its designated officer-broker. LPSI was first licensed by the department on April 28, 2005. LPSI does business under the fictitious names of Lakami Professional Realty and EZ Pro Funding Mortgage.

4. The articles of incorporation for LPSI filed with the Secretary of State list respondent Nguyen as the director of LPSI. Nguyen signed the fictitious business name statements filed with Santa Clara County for Lakami Professional Realty and EZ Pro Funding Mortgage as the director of LPSI.

5. All times relevant to this proceeding, LPSI acted in the capacity of, advertised, and/or assumed to act as a real estate broker within California within the meaning of Business and Professions Code section 10131, subdivisions (a) and (d). These acts included:

(a) The operation and conduct of a real estate resale brokerage with the public, on behalf of others, for compensation or in expectation of compensation. LPSI sold or offered to sell, bought or offered to buy, solicited prospective sellers or purchasers of, solicited or obtained listings of, and/or negotiated the purchase or sale of real property; and

(b) The operation and conduct of a mortgage loan brokerage business with the public in that lenders and borrowers were solicited for loans secured directly or collaterally by liens on real property. The loans were arranged, negotiated, processed and consummated on behalf of others for compensation or in expectation of compensation, and/or the loans were serviced and payments were collected on behalf of others.

Unlicensed Activities

6. Between May 1 and August 14, 2005, Nguyen acted for and on behalf of Paula Reza, for or in expectation of compensation, without first being licensed by the department as either a real estate salesperson or real estate broker, in that she negotiated or arranged for Reza to purchase real property located at 7265 Orchard Drive, Gilroy, California.

Escrow opened on June 9 and closed on August 4, 2005. The evidence establishes and the escrow records confirm that Assist 2 Sell was the listing broker for the sellers and Cecilia Baer was their agent; LPSI was listing broker for Reza and Cindy Nguyen her agent; and EZ Pro Funding Mortgage was the mortgage broker for the transaction.

7. All the transaction documents were in English, which Reza does not speak or read. Reza testified that she was not given copies of either the purchase agreement or the residential loan application. In June of 2007 Reza sought to obtain copies of the documents as it was becoming increasingly difficult for her to make the monthly payments on the loans. With help she was able to obtain the documents but she was not able to refinance because the value of the property had dropped significantly below the purchase price. In November 2007

Reza filed a consumer complaint with the department. In March of 2008 Reza walked away from the real property fearful that the bank would foreclose on her.

8. The evidence establishes that between May 1 and July 22, 2005, Campa acted for and on behalf of Reza, for or in expectation of compensation, without first being licensed by the department as either a real estate salesperson or real estate broker, in that she also negotiated or arranged for Reza's purchase of the Orchard Drive property.

9. Throughout the transaction, Reza understood that Campa was her agent. Reza had met Campa earlier through a family member, and understood Campa to be a licensed real estate salesperson. Reza had no prior experience in purchasing a home or obtaining a loan. She sought out Campa when she became interested in the Orchard Drive property. Campa could speak to Reza in Spanish, Nguyen could not.

The initial contact between Reza and Campa regarding this property took place before Campa became associated with LPSI and was working at Millennium 2000 Realty, Inc., in San Jose. Nguyen also worked at Millennium which is where Campa and Nguyen met. After Nguyen formed LPSI she invited Campa and others from Millennium to join her at LPSI, which Campa did in approximately late April or early May. Campa understood her position to be as an assistant to Nguyen, whom she thought was a licensed real estate agent.

10. Campa testified that she was not Reza's agent and in her view, she only engaged in activities consistent with being an assistant to Nguyen in the transaction. The evidence shows that Campa acted as much more than an assistant to Nguyen in this transaction. Among other things, Campa showed the home to Reza; she prepared the written offer; she explained its terms to Reza (who did not speak English and needed the terms translated to her by Campa); and, she negotiated terms with Baer, the seller's agent.

Baer understood that Campa and Nguyen were joint agents for Reza. She never met either one of them in person, and the only person with whom Baer remembers communicating with at all was Campa, although she may have spoken with Nguyen on the telephone. While Campa never told Baer that she was a licensed real estate agent, on the basis of her communications with Campa, Baer assumed Campa to be licensed and Campa never told her otherwise. Baer listed Campa as the buyer's agent in her transaction file.

Campa was not a salaried employee of LPSI; she was paid by LPSI "on a transactional basis." Campa received a \$4,090 commission check from LPSI for the transaction in August 2005 after the close of escrow. It was therefore established that Campa acted in expectation of, or received compensation for the transaction.

11. It was not established by clear and convincing evidence that Campa negotiated or arranged for a mortgage loan for Reza for the purchase of the Orchard Drive property. The evidence establishes that the loan was processed by EZ Pro Funding Mortgage by Nguyen and others including Mary Trinh, another employee at LPSI who was not licensed by the Department of Real Estate. The evidence shows that Campa assisted Nguyen and

Trinh by collecting information from Reza that was needed to process the loan, such as W2 forms, tax returns, etc. She collected the information from Reza pursuant to a checklist that was given to her by Trinh. Campa did provide information to Reza regarding interest rates and monthly payment figures given to her by Trinh. But she had nothing to do with completing the loan application or approving the loan.

12. Between May 1 and August 1, 2005, Nguyen acted for and on behalf of Liem Tran, for or in expectation of compensation, without first being licensed by the department as either a real estate salesperson or real estate broker, in negotiating or arranging for Tran's purchase of real property located at 5726 Tower Avenue, Fresno, California.

13. Between May 1 and August 1, 2005, Nguyen acted for and on behalf of Leticia Torres and Rodolfo Ramirez, for or in expectation of compensation, without first being licensed by the department as either a real estate salesperson or real estate broker, in negotiating or arranging for their purchase of real property located at 2563 Bambi Lane, San Jose, California.

14. Between May 1 and August 1, 2005, Nguyen acted for and on behalf of Jimmy Yen, for or in expectation of compensation, without first being licensed by the department as either a real estate salesperson or real estate broker, in negotiating or arranging for Yen's purchase of real property located at 2974 Truett Court, San Jose, California.

Misrepresentation/Dishonest Dealing

15. In the course of the Reza transaction express or implied misrepresentations of fact were made to others with the intent that they would be relied upon in the transaction.

a. Nguyen and Campa represented to Reza, at the very least implicitly, that they could legally act on her behalf in the conduct of the real estate transaction, when in fact they were not licensed and not authorized to do so.

b. LPSI, Nguyen and Campa facilitated the temporary transfer of \$35,000 to Reza for the purpose of misrepresenting the amount of Reza's assets to the lender. As a result, they facilitated the creation of an inaccurate and very misleading verification of deposit form by Reza's bank, which verified that Reza had \$38,319 in assets when in fact she had only \$3,319 in assets.¹

On August 2, 2005, Reza deposited \$35,000 in her checking account. This money did not belong to her - it was a short term, no interest, no point, loan made to her by LPSI in order to misrepresent the amount of her assets. On the day that Reza was provided with the

¹ It is understood that Reza's bank erred when it represented on the verification of deposit form that Reza had more than \$35,000 in assets over a two-month period, when in fact she only had that amount for less than one month. This error does not mitigate the misrepresentation of Reza's assets committed by LPSI, Nguyen and Campa.

\$35,000 loan, she was required to give EZ Pro Funding Mortgage a check for the same amount which it held as "collateral." LPSI negotiated Reza's check on August 15, 2005, a little more than one week after the close of escrow.

In connection with this loan it was Campa who signed the promissory note, rather than Reza. and she certified the following:

I, Corina Campa, certify that I will be held solely responsible for the above loan amount issued by EZ Pro Funding Mortgage. The full amount of the loan will be due immediately upon notification by EZ Pro Funding Mortgage. I have given EZ Pro Funding Mortgage Check #1185 in the amount of \$35,000 to be held as collateral.

Campa testified that she did not understand the ramifications of the promissory note. Nguyen gave her the document and she signed it without reading it.

Campa also testified that she did not understand the ramifications of LPSI's \$35,000 loan to Reza. Assuming for purposes of argument that is true, Campa should have understood the misrepresentation being made to the lender regarding Reza's assets because by that time she was a licensed real estate salesperson.

16. The misrepresentation of Reza's assets facilitated by LPSI, Campa and Nguyen by reason of the short term \$35,000 loan constituted fraud and dishonest dealing on the lender.

17. It was not established, as alleged, that Campa misrepresented that she was an employee of LPSI during the Reza transaction.

Conduct of Dinh and LPSI

18. LPSI employed and/or compensated Campa and Nguyen to perform activities for which they were not licensed to perform.

19. LPSI through its designated officer-broker Dinh failed to exercise reasonable supervision over the acts conducted by LPSI's agents and employees so as to allow the acts and omissions set forth above to occur.

20. LPSI through its designated officer-broker Dinh committed acts constituting negligence and/or incompetence in failing to supervise LPSI's agents and employees.

Other Matters

21. Nguyen did not appear or testify at hearing. Her license continues to be in the employ of LPSI. Nguyen cooperated with the department's investigation of Reza's complaint. No other evidence of mitigation or rehabilitation was presented on her behalf.

22. No evidence of mitigation or rehabilitation was presented with respect to the corporation's broker license. Department records show that on October 6, 2006, Dinh was cancelled as the designated officer for LPSI and Phong Van Tran was added as designated officer. It is not known whether business practices at LPSI have changed with Tran as its designated broker-officer.

23. At the time of the Reza transaction, Campa was in the process of obtaining her real estate salesperson license. She obtained her license on July 23, 2005, which was during the time the sale was in escrow, and before she assisted Reza in obtaining the \$35,000 "loan" from EZ Pro Funding. Campa returned to Millennium shortly after obtaining her salesperson license. Campa testified that she returned to Millennium at the end of July or early in August. Department records show her to have been in the employ of Millennium when her license issued on July 23, 2005. Under either scenario, Campa was associated with LPSI for only a few months. The only unlicensed activity she conducted was in connection with the Reza transaction.

24. Campa testified at hearing in an open manner. Although her actions were misguided and even perhaps naive, there is no evidence to suggest that Campa intended to take advantage of Reza. At the same time, her testimony did not evidence any insight into the wrongfulness of her conduct.

25. Campa is from a large family of migrant workers in Texas. Campa and her husband married at a young age, and they have remained together for 27 years. They have three grown children and a number of grandchildren.

Campa has worked in various professions over the years. After she married, she went back to school in order to obtain her GED and to study cosmetology. Campa worked as a licensed cosmetologist in Texas and Oregon. In California, she has worked as receptionist with Merry Maids; a financial manager for two dental offices; and a telemarketer for Visa.

Campa has worked in the real estate field since 2004. She started as an assistant at Millennium 2000 Realty, Inc. and returned there after her stint at LPSI. She was associated for approximately one and one-half years with Realty World Portfolio and moved to Realty World Capital Estates in San Jose about eight months ago.

26. Patty Cerrillo is a licensed real estate salesperson and the officer manager of Realty World Capital Estates. In a letter dated November 14, 2008, Cerrillo attests that Campa has been a diligent and ethical salesperson.

27. Rochelle Broussard has been a social friend of Campa's for eight years. In a letter dated December 2008 she attests to Campa's good character and passion for working in the real estate field.

LEGAL CONCLUSIONS

1. Business and Professions Code section 10130 makes it unlawful to engage in the business, act in the capacity of, advertise, or assume to act as a real estate salesperson in California without first obtaining a real estate license from the department.

A real estate salesperson is defined in Business and Professions Code section 10132 as a person who, for compensation or in expectation of compensation, is employed by a licensed real estate broker to do one or more of the acts set forth in sections 10131, 10131.1, 10131.2, 10131.3, 10131.4, and 10131.6, each of which define the term real estate broker.

2. Pursuant to Business and Professions Code section 10137, it is unlawful for any licensed real estate broker to compensate directly or indirectly any person for performing any of the acts within the scope of the chapter who is not a licensed real estate broker or a real estate salesperson licensed under the broker employing or compensating the person.

3. Under Business and Professions Code section 10177, subdivision (d), the Commissioner may suspend or revoke a real estate license who has wilfully disregarded or violated the Real Estate Law (Part 1 (commencing with section 10000)).

4. Pursuant to Business and Professions Code section 10177, subdivision (j), the Commissioner may suspend or revoke a real estate license of a licensee who has engaged in conduct that constitutes fraud or dishonest dealing.

5. Pursuant to Business and Professions Code section 10177, subdivision (g), the Commissioner may suspend or revoke a real estate license of a licensee who has demonstrated negligence or incompetence in performing an act for which a license is required.

6. Pursuant to Business and Professions Code section 10177, subdivision (h), the Commissioner may suspend or revoke a corporate real estate broker license if the designated officer has failed to exercise reasonable supervision and control of the activities of the corporation for which a real estate license is required.

Respondent Cindy Nguyen

7. Findings 6, 12, 13 and 14: Cause exists to suspend or revoke respondent Nguyen's real estate salesperson license pursuant to Business and Professions Code section 10177, subdivision (d), in connection with sections 10130 and 10132, in that she violated the Real Estate Law by acting as a real estate salesperson without first obtaining a real estate salesperson license.

8. Findings 15 and 16: Cause exists to suspend or revoke respondent Nguyen's real estate salesperson license pursuant to Business and Professions Code section 10177, subdivision (j), in that she engaged in conduct that constituted fraud or dishonest dealing.

9. In view of the egregiousness of Nguyen's conduct in this case and the absence of any compelling evidence of mitigation or rehabilitation, it is concluded that revocation of respondent's Nguyen's real estate salesperson license is the only discipline consistent with public protection.

Respondent Lakami Professional Services, Inc.

10. Finding 18: Cause exists to suspend or revoke respondent LPSI's corporate real estate broker license pursuant to Business and Professions Code section 10130 and 10137 read in conjunction with Business and Professions Code section 10177, subdivision (d).

11. Finding 19: Cause exists to suspend or revoke respondent LPSI's corporate real estate broker license pursuant to Business and Professions Code section 10177, subdivision (g).

12. Finding 20: Cause exists to suspend or revoke LPSI's corporate real estate broker license pursuant to Business and Professions Code section 10177, subdivision (h).

13. In view of the egregiousness of the conduct committed by LPSI and the absence of any evidence to show that there has been a change in its practice or operation, it is concluded that revocation of LPSI's corporate real estate broker license is the only discipline that is consistent with the protection of the public.

Respondent Corina Campa

14. Findings 8-10: Cause exists to suspend or revoke Campa's real estate license pursuant to Business and Professions Code section 10177, subdivision (d), in connection with sections 10130 and 10132, in that she violated the Real Estate Law by acting as a real estate salesperson without first obtaining a real estate license.

15. Findings 15 and 16: Cause exists to suspend or revoke Campa's real estate license pursuant to Business and Professions Code section 10177, subdivision (j), in that she engaged in conduct that constituted fraud or dishonest dealing.

16. All matters have been considered in reaching the determination that the public will be adequately protected by the following order which allows respondent Campa to retain her salesperson license on a restricted basis, and requires her to take and pass the professional responsibility examination.

ORDER

Respondent Cindy Nguyen

1. All licenses and licensing rights of respondent Cindy Nguyen under the Real Estate Law are revoked by reason of Legal Conclusions 7 and 8, jointly and for each of them.

Respondent Lakami Professional Services, Inc.

2. All licenses and licensing rights of respondent Lakima Professional Services, Inc., under the Real Estate Law are revoked by reason of Legal Conclusions 10, 11 and 12, jointly and for each of them.

Respondent Corina Campa

3. All licenses and licensing rights of Corina Campa under the Real Estate Law are revoked by reason of Legal Conclusions 14 and 15, jointly and for each of them; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.6 if respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of that Code:

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
3. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

- (a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and
- (b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.
4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
5. Respondent shall, within six months from the effective date of this decision, take and pass the Professional Responsibility Examination administered by the Department of Real Estate including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of respondent's license until respondent passes the examination.
6. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license or for the removal of any of the conditions, limitations or restrictions of a restricted license until three years have elapsed from the effective date of this Decision.

DATED: 12-29-08



MELISSA G. CROWELL
Administrative Law Judge
Office of Administrative Hearings

1 DEPARTMENT OF REAL ESTATE
2 P. O. Box 187000
3 Sacramento, CA 95818-7000
4 Telephone: (916) 227-0789
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7

FILED

DEC 08 2008

DEPARTMENT OF REAL ESTATE
By L. Just

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CORINA CAMPA, LAKAMI PROFESSIONAL) NO. H-10401 SF
13 SERVICES, INC., a California Corporation,) STIPULATION AND AGREEMENT
14 CINDY NGUYEN, and JOSEPH HAI DINH,)
15 Respondents.)

16 It is hereby stipulated by and between Respondent JOSEPH HAI DINH, acting
17 by and through his Counsel, Edgardo Gonzalez, and the Complainant, acting by and through
18 Michael B. Rich, Counsel for the Department of Real Estate, as follows for the purpose of
19 settling and disposing of the Accusation filed on May 27, 2008, in this matter ("the
20 Accusation"):

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

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

4 3. On June 5, 2008, Respondent filed a Notice of Defense pursuant to
5 Section 11505 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said
8 Notice of Defense Respondent will thereby waive Respondent's right to require the
9 Commissioner to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that Respondent will waive other rights afforded
11 to Respondent in connection with the hearing such as the right to present evidence in defense of
12 the allegations in the Accusation and the right to cross-examine witnesses.

13 4. Respondent, pursuant to the limitations set forth below, hereby admits that
14 the factual allegations in the Accusation pertaining to Respondent are true and correct and
15 stipulates and agrees that the Real Estate Commissioner shall not be required to provide further
16 evidence of such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may
18 adopt the Stipulation and Agreement as his decision in this matter, thereby imposing the penalty
19 and sanctions on Respondent's real estate license and license rights as set forth in the "Order"
20 below. In the event that the Commissioner in his discretion does not adopt the Stipulation and
21 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
22 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
23 any admission or waiver made herein.

24 6. This Stipulation and Agreement shall not constitute an estoppel, merger
25 or bar to any further administrative or civil proceedings by the Department of Real Estate with
26 respect to any matters which were not specifically alleged to be causes for accusation in this
27 proceeding.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

I

The acts and omissions of Respondent JOSEPH HAI DINH, described in the Accusation are grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Sections 10130, 10137, 10159.2 and 10177(h) of the California Business and Professions Code (hereinafter “the Code”) in conjunction with Section 10177(d) the Code.

ORDER

I

All licenses and licensing rights of Respondent JOSEPH HAI DINH under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to said Respondent pursuant to Section 10156.5 of the Business and Professions Code if, within 90 days from the effective date of the Decision entered pursuant to this Order, Respondent makes application for the restricted license and pays to the Department of Real Estate the appropriate fee therefor.

The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

1. Any restricted real estate license issued to Respondent pursuant to this Decision shall be suspended for a period of sixty (60) days from the date of issuance of said restricted license
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is

1 substantially related to Respondent's fitness or capacity as a real estate
2 licensee.

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

9 4. Respondent shall not be eligible to apply for the issuance of an
10 unrestricted real estate license nor for the removal of any of the
11 conditions, limitations or restrictions of a restricted license until three (3)
12 years have elapsed from the effective date of this Decision.

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

17 (a) That the employing broker has read the Decision of the
18 Commissioner which granted the right to a restricted license; and,

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

22 6. Respondent shall, within nine months from the effective date of the
23 Decision, present evidence satisfactory to the Real Estate Commissioner
24 that Respondent has, since the most recent issuance of an original or
25 renewal real estate license, taken and successfully completed the
26 continuing education requirements of Article 2.5 of Chapter 3 of the Real
27 Estate Law for renewal of a real estate license. If Respondent fails to

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satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

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

12/3/08
DATED

Michael B. Rich
MICHAEL B. RICH, Counsel
Department of Real Estate

* * *

I have read the Stipulation and Agreement and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

12/02/08
DATED

Joseph Hai Dinh
JOSEPH HAI DINH
Respondent

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Approved as to form and content by counsel for Respondent.

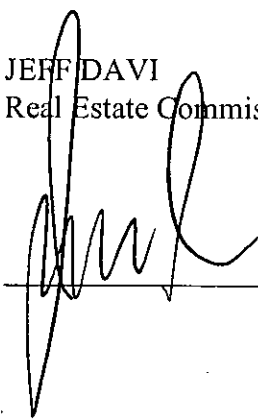
12-2-08
DATED


EDGARDO GONZALEZ
Attorney for Respondent

The foregoing Stipulation and Agreement is hereby adopted by as my
Decision in this matter as to Respondent JOSEPH HAI DINH and shall become effective at 12
o'clock noon on DEC 29 2008

IT IS SO ORDERED 12-4-08 2008.

JEFF DAVI
Real Estate Commissioner



1 JEANINE K. CLASEN, Counsel (SBN 164404)
2 Department of Real Estate
3 P. O. Box 187007
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789
6 -or- (916) 227-0868 (Direct)

FILED

MAY 27 2008

DEPARTMENT OF REAL ESTATE

By K. Mar

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8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

12 In the Matter of the Accusation of)
13) No. H-10401 SF
14 CORINA CAMPA; LAKAMI)
15 PROFESSIONAL SERVICES,) ACCUSATION
16 INC., a California)
17 corporation; CINDY NGUYEN;)
and JOSEPH HAI DINH,)
Respondents.)

18
19 The Complainant, CHARLES W. KOENIG, a Deputy Real
20 Estate Commissioner of the State of California, for Accusation
21 against CORINA CAMPA, LAKAMI PROFESSIONAL SERVICES, INC., a
22 California corporation, CINDY NGUYEN, and JOSEPH HAI DINH,
23 (collectively herein "Respondents"), alleges as follows:

24 I

25 The Complainant, CHARLES W. KOENIG, a Deputy Real
26 Estate Commissioner of the State of California, makes this
27 Accusation against Respondents in his official capacity.

1 II

2 On July 23, 2005, the Department issued a license to
3 Respondent CORINA CAMPA (herein "CAMPA") as a real estate
4 salesperson. CAMPA was never licensed by the Department either
5 as a real estate broker or as a real estate salesperson prior to
6 July 23, 2005.

7 III

8 Respondent LAKAMI PROFESSIONAL SERVICES, INC. (herein
9 "LPSI") is and at all times herein mentioned was licensed by the
10 Department of Real Estate of the State of California
11 (hereinafter "the Department") as a corporate real estate broker
12 by and through Respondent JOSEPH HAI DINH (herein "DINH") as
13 designated officer-broker of LPSI to qualify said corporation
14 and to act for said corporation as a real estate broker.

15 IV

16 On March 9, 2006, the Department issued a license to
17 Respondent CINDY NGUYEN (herein "NGUYEN") as a real estate
18 salesperson. NGUYEN was never licensed by the Department either
19 as a real estate broker or as a real estate salesperson prior to
20 March 9, 2006.

21 V

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

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

3 VI

4 At all times herein mentioned, Respondents engaged in
5 the business of, acted in the capacity of, advertised, and/or
6 assumed to act as a real estate broker within the State of
7 California within the meaning of Sections 10131(a) and 10131(d)
8 of the Code, including:

9 (a) The operation and conduct of a real estate resale
10 brokerage with the public wherein, on behalf of others, for
11 compensation or in expectation of compensation, Respondent sold
12 or offered to sale, bought or offered to buy, solicited
13 prospective sellers or purchases of, solicited or obtained
14 listings of, and/or negotiated the purchase or sale of real
15 property; and

16 (b) The operation and conduct of a mortgage loan
17 brokerage business with the public wherein lenders and borrowers
18 were solicited for loans secured directly or collaterally by
19 liens on real property, wherein such loans were arranged,
20 negotiated, processed and consummated on behalf of others for
21 compensation or in expectation of compensation and/or wherein
22 such loans were serviced and payments thereon were collected on
23 behalf of others.

24 VII

25 Between approximately May 1, 2005 and July 22, 2005,
26 in the course of the activities described in Paragraph VI, above,
27 CAMPA, acting for and on behalf of another or others, for or in

1 expectation of compensation, without first being licensed by the
2 Department either as a real estate salesperson or as a real
3 estate broker, represented and acted on behalf of Paula Reza
4 (herein "Reza") in the following transactions:

5 (a) Negotiating and arranging for a mortgage loan to
6 Reza for the purchase of real property located at 7265 Orchard
7 Drive, Gilroy, California (herein "the Orchard Drive Property");
8 and

9 (b) Negotiating and arranging for the purchase of the
10 Orchard Drive Property by Reza.

11 VIII

12 Between approximately May 1, 2005 and August 1, 2005,
13 in the course of the activities described in Paragraph VI, above,
14 NGUYEN, acting for and on behalf of another or others, for or in
15 expectation of compensation, without first being licensed by the
16 Department either as a real estate salesperson or as a real
17 estate broker, represented and acted on behalf of Reza in the
18 following transactions:

19 (a) Negotiating and arranging for the purchase and
20 sale of the Orchard Drive Property by Reza;

21 (b) Negotiating and arranging for the purchase and
22 sale of real property located at 5726 E. Tower Avenue, Fresno,
23 California on behalf of Liem Tran;

24 (c) Negotiating and arranging for the purchase and
25 sale of real property located at 2563 Bambi Lane, San Jose,
26 California on behalf of Leticia Torres and Rodolfo Ramirez;

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1 (d) Negotiating and arranging for the purchase of
2 real property located at 2974 Truett Court, San Jose, California
3 on behalf of Jimmy Yen;

4 IX

5 During the time period mentioned herein, including
6 from approximately May 1, 2005 and August 1, 2005, LPSI and DINH
7 employed and/or compensated NGUYEN and CAMPA to perform the acts
8 and conduct the activities described in Paragraphs VII and VIII,
9 above.

10 X

11 In performing the activities described in Paragraphs
12 VII through IX, above, CAMPA and NGUYEN violated Section 10130
13 of the Code, LPSI and DINH violated Section 10137 of the Code.

14 XI

15 In the course of performing the activities described
16 in Paragraphs VIII and IX, above, CAMPA and NGUYEN made the
17 following express and/or implied misrepresentations of fact to
18 others, with the intent that those misrepresentations would be
19 relied on by others in proceeding with the subject transactions:

20 (a) CAMPA and NGUYEN represented to Reza that CAMPA
21 was an employee of LPSI, when in fact she was not an employee of
22 LPSI;

23 (b) CAMPA and NGUYEN represented to Reza that they
24 were real estate licensees and therefore could legally act on
25 behalf of others in the conduct of real estate transactions,
26 when in fact they were not so licensed;

27 ///

1 (c) Respondents CAMPA, NGUYEN and LPSI facilitated
2 the temporary transfer of funds to Reza, for the purpose of
3 misrepresenting the amount of Reza's assets to the lender, and
4 facilitated the execution and submission of a false
5 "Verification of Deposit Form" on behalf of Reza.

6 XII

7 The representations set forth in Paragraph XI, above,
8 were false when made and each of the Respondents making said
9 representations knew them to be false at the time. In truth and
10 fact:

11 (a) CAMPA was not an employee of LPSI during the
12 subject transactions;

13 (b) During the subject transactions, CAMPA and NGUYEN
14 were not licensed by the Department as real estate salespersons
15 or brokers;

16 (c) LPSI was the actual owner of the \$35,000 in funds
17 transferred into Reza's account and represented as Reza's assets
18 in the "Verification of Deposit Form."

19 XIII

20 At all times mentioned herein, DINH failed to exercise
21 reasonable supervision over the acts conducted by LPSI and its
22 agents and employees in such a manner as to allow the acts and
23 omissions described in Paragraphs IX, XI and XII, above, to
24 occur.

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XIV

The acts and omissions of Respondents CAMPA, NGUYEN and LPSI described in Paragraphs XI and XII, above, constituted fraud and/or dishonest dealing.

XV

The facts alleged above are grounds for the suspension or revocation of the licenses and license rights of Respondents under the following provisions of the Code:

(a) As to Respondents CAMPA, NGUYEN, DINH and LPSI, under Sections 10130 and 10137 the Code in conjunction with Section 10177(d) of the Code;

(b) As to Respondents CAMPA and NGUYEN, under Section 10177(j) of the Code;

(c) As to Respondents DINH and LPSI, under Section 10177(g) and/or Section 10177(h) of the Code, and Section 10159.2 of the Code in conjunction with Section 10177(d) of the Code.

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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 Respondents 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.


CHARLES W. KOENIG
Deputy Real Estate Commissioner

Dated at Sacramento, California
this 23rd day of May, 2008.