

1 Department of Real Estate  
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3 Sacramento, CA 95818-7007

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**FILED**

MAY 23 2010

DEPARTMENT OF REAL ESTATE

By L. East

6 BEFORE THE DEPARTMENT OF REAL ESTATE  
7 STATE OF CALIFORNIA

8 \* \* \*

9 To: )  
10 ) NO. H-10934 SF  
11 KWOK LEUNG CHAN, and )  
12 LISA TRINH ) ORDER TO DESIST AND REFRAIN  
13 ) (B&P Code Section 10086)  
14 )

15 The Commissioner ("Commissioner") of the California Department of Real Estate  
16 ("Department") caused an investigation to be made of the activities of LISA TRINH aka MUOI  
17 TRINH (TRINH), individually and doing business as WINTON MANAGEMENT. Based on that  
18 investigation, the Commissioner has determined that TRINH, individually and doing business as  
19 WINTON MANAGEMENT, has engaged in, is engaging in, or is attempting to engage in, acts  
20 or practices constituting violations of the California Business and Professions Code ("Code")  
21 and/or Title 10, Chapter 6, California Code of Regulations ("Regulations"), including acting in  
22 the capacity of, advertising or assuming to act as a real estate broker in the State of California  
23 within the meaning of Section 10131(b) of the Code (representing clients in the capacity of a  
24 rental property manager). The Commissioner has further determined that KWOK LEUNG  
25 CHAN ("CHAN"), individually and doing business as WINTON MANAGEMENT, has  
26 employed and/or compensated one or more unlicensed persons to act in the capacity of a real  
27 estate broker or salesperson in violation of Section 10137 of the Code (it is unlawful for a

1 licensed real estate broker to employ a person to perform real estate duties who does not have a  
2 license). Furthermore, based on the investigation, the Commissioner hereby issues the following  
3 Findings of Fact , Conclusions of Law and Desist and Refrain Order under the authority of  
4 Section 10086 of the Code.

5 FINDINGS OF FACT

6 1. CHAN is presently licensed and/or has license rights under the Real Estate Law,  
7 Part 1 of Division 4 of the California Business and Professions Code (the Code) as a real estate  
8 broker dba EKC Realty and dba LD Home Realty & Mortgage.

9 2. At all times relevant herein TRINH, individually and doing business as WINTON  
10 MANAGEMENT, was not and is not licensed by the Department of Real Estate to  
11 conduct activities which require a real estate license in California.

12 3. At least during the period of time set out below, TRINH, individually and doing  
13 business as WINTON MANAGEMENT, for or in expectation of compensation,  
14 negotiated to do one or more of the following acts for another or others, for or in  
15 expectation of compensation: soliciting and showing properties to prospective tenants,  
16 negotiating rental terms and preparing rental agreements on behalf of clients, collect rents  
17 from tenants and order repairs on properties.

18 4. At least during the period of time set out below, CHAN, individually and doing  
19 business as WINTON MANAGEMENT, employed and/or compensated TRINH to  
20 negotiate to do one or more of the following acts for another or others: soliciting and  
21 showing properties to prospective tenants, negotiating rental terms and preparing rental  
22 agreements on behalf of clients, collected rents from tenants and ordered repairs on  
23 properties.

24 5. On or about May 9, 2008, Pat Vanderbroek employed CHAN and TRINH,  
25 individually and doing business as WINTON MANAGEMENT, to rent, lease, operate  
26 and manage Vanderbroek's residential rental property located at 22642 Templeton Street,  
27 Hayward, California 93301.

1 CONCLUSIONS OF LAW

2 6 Based on the Findings of Fact contained in Paragraphs 1 through 4, above, LISA  
3 TRINH aka MUOI TRINH, individually and doing business as WINTON  
4 MANAGEMENT, has performed and/or participated in property management activities  
5 which require a real estate license under Section 10131(b) of the Code during a period of  
6 time when LISA TRINH aka MUOI TRINH, individually and doing business as  
7 WINTON MANAGEMENT, was not licensed by the Department in any capacity, in  
8 violation of Section 10130 of the Code.

9 7. Based on the Finding of Fact contained in Paragraphs 1 through 4, above, KWOK  
10 LEUNG CHAN individually and doing business as WINTON MANAGEMENT,  
11 employed and/or compensated one or more unlicensed persons to act in the capacity of a  
12 real estate broker or salesperson in violation of Section 10137 of the Code.

13 DESIST AND REFRAIN ORDER

14 Based upon the Findings of Fact and Conclusions of Law stated herein, you LISA TRINH  
15 aka MUOI TRINH, individually and doing business under the name WINTON  
16 MANAGEMENT or under any other name, is ordered to immediately desist and refrain from  
17 performing any and all acts within the State of California for which a real estate broker license is  
18 required, and in particular, to immediately desist and refrain from providing or participating in  
19 property management services for others and for compensation and/or the expectation of  
20 compensation.

21 KWOK LEUNG CHAN, individually and doing business under the name WINTON  
22 MANAGEMENT, or under any other name, is ordered to desist and refrain from employing and  
23 /or compensating any person for performing any acts which require a real estate license within

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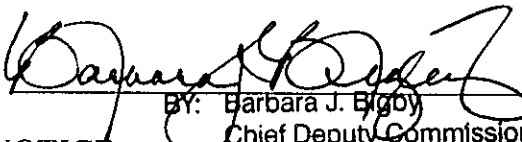
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1 the State of California unless and until that person has obtained from the Department a real estate  
2 broker or real estate salesperson license.

3 DATED: 5/20/10

4 JEFF DAVI  
5 Real Estate Commissioner

6   
7 BY: Barbara J. Bigby  
8 NOTICE- Chief Deputy Commissioner

9 Business and Professions Code Section 10139 provides that, "Any person acting as a real  
10 estate broker or real estate salesperson without a license or who advertises using words indicating  
11 that he or she is a real estate broker without being so licensed shall be guilty of a public offense  
12 punishable by a fine not exceeding twenty thousand dollars (\$20,000), or by imprisonment in the  
13 county jail for a term not to exceed six months, or by both fine and imprisonment; or if a  
14 corporation, be punished by a fine not exceeding sixty thousand dollars (\$60,000)...."

16  
17 cc: LISA TRINH aka MUOI TRINH  
18 WINTON MANAGEMENT  
19 678 Atherton Place  
Hayward, CA 94541

20 KWOK LEUNG CHAN  
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25 723 Camino Plaza, #176  
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