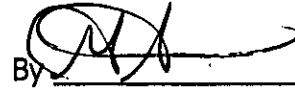


FILED

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December 7, 2011

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	
	)	
CORLIANCE PROPERTIES &	)	No. H-11259 SF
FINANCIAL GROUP CORP. ,	)	
FRANCIS NGUYEN,	)	<u>ACCUSATION</u>
DAVID NGUYEN and	)	
CONG CHI NGUYEN,	)	
	)	
Respondents.	)	

The Complainant, E. J. Haberer, II, a Deputy Real Estate Commissioner of the State of California for cause of Accusation against CORLIANCE PROPERTIES & FINANCIAL GROUP CORP. (hereinafter CPFC), FRANCIS NGUYEN (hereinafter FRANCIS N.), DAVID NGUYEN (hereinafter DAVID N.) and CONG CHI NGUYEN (CONG N.) collectively hereinafter (RESPONDENTS), is informed and alleges as follows:

1

The Complainant makes this Accusation in his official capacity.

2

CPFG is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereafter "the Code") as a real estate broker.

3

FRANCIS N. is licensed and/or has license rights under the Code as a real estate broker.

4

At all times herein mentioned, FRANCIS N. was licensed by the Department as the designated broker/officer of CPFG. As the designated broker/officer, FRANCIS N. was responsible, pursuant to Section 10159.2 of the Code, for the supervision of the activities of the officers, agents, real estate licensees and employees of CPFG for which a real estate license is required.

5

DAVID N. is licensed and/or has license rights under the Code as a real estate salesperson.

6

CONG N. is licensed and/or has license rights under the Code as a real estate salesperson.

7

Whenever reference is made in an allegation in this Accusation to an act or omission of CPFG, such allegation shall be deemed to mean that the officers, directors, employees, agents and real estate licensees employed by or associated with CPFG committed such act or omission while engaged in furtherance of the business or operations of CPFG and while acting within the course and scope of their corporate authority and employment.

8

At all times mentioned, RESPONDENTS engaged in the business of, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California, within the meaning of Section 10131(a) of the Code, including the operation and conduct of a residential resale brokerage wherein RESPONDENTS bought, sold, or offered to buy or sell, solicited or obtained listings of, and negotiated the purchase, sale or exchange of real property or business opportunities, all for or in expectation of compensation.

1 FIRST CAUSE OF ACTION

2 9

3 Complainant refers to Paragraphs 1 through 8, above, and incorporates them,
4 herein by reference.

5 10

6 In or around October of 2009, Son Nguyen and Hong Nguyen (Buyers) contacted
7 CONG N. to have him represent them in their efforts to purchase a residence. CONG N., acting
8 on behalf of CPFG, agreed to provide real estate services to purchase certain real property
9 commonly known as 1754 King Road, San Jose, California. (King Road Property).

10 11

11 On or about August 27, 2010, CONG N. contacted buyers to set up a meeting at
12 their home at noon. At this meeting, CONG N. advised buyers that the owners of the King Road
13 Property agreed to sell their home to them and that there was a 3 PM appointment that day at the
14 title company to close escrow.

15 12

16 At or around 1PM on August 27, 2010, CONG N. called buyers and told them
17 that they would have to sign additional documents before going to the title company to close
18 escrow. CONG N. returned to buyers' home and presented them a document to sign, which was
19 back dated April 19, 2010. The document requested payment of \$6,700.00 in cash to Helene
20 Tran. Buyers refused to sign the document and CONG N. left their home.

21 13

22 Later that day, buyers received a call from Helene Tran and then David N., who
23 both demanded that they pay the \$6,700.00 or lose the purchase of the King Road Property.

24 14

25 Fearing that they would lose the purchase of the King Road Property, buyers paid
26 the \$6,700.00 and handed a cashier's check to CONG N., right before escrow closed, who met
27 them outside of the title company office.

15

On or about August 29, 2010, Buyers received a copy of the HUD statement regarding the purchase of the King Road Property and found that there was no mention of the \$6,700.00 payment. Neither Helene Tran nor DAVID N. responded to buyer's inquiry about this fact and requests to explain the nature of services provided for the payment.

16

On or about September 10, 2010, CONG N. met with the buyers and requested that they give him the HUD statement and explained that the \$6,700.00 fee was for "processing and various things."

17

Buyers again asked for a detailed explanation of the fees through emails to DAVID N. and Helene Tran and did not receive any answer beyond that it was a "processing fee". RESPONDENTS have not refunded the \$6,700.00 to buyers.

18

The representations made by REPONDENTS to Buyers set out above were false, and RESPONDENTS knew that they were false when they made those representations. The true facts were that RESPONDENTS intended to charge Buyers the additional \$6,700.00 to benefit themselves without performing any services and made these misrepresentations to fraudulently induce Buyers to pay them \$6,700.00.

19

The acts and/or omissions of RESPONDENTS described above violate Sections 10176 (a) (Making a Substantial Misrepresentation) and 10176 (i) (Other Conduct: Fraud or Dishonest Dealing) and are grounds for the revocation or suspension of RESPONDENTS licenses under Sections 10176(a), 10176(j), 10177(d) (Willful Disregard/Violation Real Estate Law) and 10177(g) (Negligence/Incompetence Real Estate Licensee) of the Code.

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Complainant refers to Paragraphs 1 through 19, above, and corporate the same herein by reference.

At all times herein above mentioned, FRANCIS N., was responsible as the supervising broker for CPFG, for the supervision and control of the activities conducted on behalf of CPFG'S business by its employees. FRANCIS N. failed to exercise reasonable supervision and control over the property management activities of CPFG. In particular, FRANCIS N. permitted, ratified and/or caused the conduct described above, to occur, and failed to take reasonable steps, including but not limited to handling of trust funds, supervision of employees, and the implementation of policies, rules, and systems to ensure the compliance of the business with the Real Estate Law and the Regulations.

The above acts and/or omission of FRANCIS N. violate Section 10159.2 (Responsibility/Directing Officer) of the Code and Section 2725 (Broker Supervision) of the Regulations and constituted grounds for disciplinary action under the provisions of Section 10177(d) (Willful Disregard/Violation of Real Estate Law) and (h) (Broker Supervision) of the Code.

/

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 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.

Robert Korman for
E. J. HABERER, II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 5TH day of December 2011.