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DEPARTMENT OF REAL ESTATE

By R. dew

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)
MIMI DU QUACH,) No. H-12467 SF
Respondent.) ACCUSATION

The Complainant, ROBIN S. TANNER, acting in her official capacity as a
Supervising Special Investigator of the State of California, for cause of Accusation against MIMI
DU QUACH (Respondent), is informed and alleges as follows:

1

At all times herein mentioned, Respondent was and 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 (the Code) by the Department of Real Estate (the Department) as a restricted
real estate salesperson.

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At no time mentioned herein was Respondent licensed by the Department as a
real estate broker. At no time mentioned herein did Respondent's broker, Alliance Bay Funding
Inc., authorize Respondent to conduct any property management activities.

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At all times herein mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker within the State of California within the meaning of Section 10131(b) of the Code, including the operation and conduct of a property management business with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent leased or rented or offered to lease or rent, or solicited listings of places for rent or solicited for prospective tenants, or negotiated the sale, purchase or exchange of leases on real property, or on a business opportunity, or collected rent from tenants.

At all times herein mentioned, Respondent conducted real estate activity under the fictitious business name, "Mimi Du". However, Respondent was not licensed by the Department to use any fictitious business names.

On or about January 25, 2020, Respondent entered into a property management agreement, identifying "Mimi Du" as manager, to manage, operate, control, rent and lease the real property located at 914 Bellhurst Avenue, San Jose (Subject Property) on behalf of the owner, Michael D. The terms of the property management agreement included a management fee of 50% of the first full month's rent and 10% of all rent collected thereafter.

The acts and or omissions described above constitute a violation of Section 2731 (Use of False/Fictitious Name) of Chapter 6, Title 10, California Code of Regulations and Section 10130 (Unlicensed Activity) of the Code, and are grounds for discipline under Sections 10177 (d) (Willful Disregard of Real Estate Laws) and 10177 (g) (Negligence/Incompetence of Licensee) of the Code.

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1 cost of investigation and agency attorney's fees in this matter, and for such other and further
2 relief as may be proper under other provisions of law.

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5 ROBIN S. TANNER
6 Supervising Special Investigator

7 Dated at Oakland, California,
8 this 4th day of August, 2020.

9 DISCOVERY DEMAND

10 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
11 Department of Real Estate hereby makes demand for discovery pursuant to the guidelines set
12 forth in the *Administrative Procedure Act*. Failure to provide Discovery to the Department of
13 Real Estate may result in the exclusion of witnesses and documents at the hearing or other
14 sanctions that the Office of Administrative Hearings deems appropriate.