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TAYLOR HERRLINGER, Counsel (314791)  
Department of Real Estate  
651 Bannon Street, Suite 507  
Sacramento, CA 95811  
Telephone: (916) 737-4498  
Email: Taylor.Herrlinger@dre.ca.gov

**FILED**  
NOV 07 2024  
DEPARTMENT OF REAL ESTATE  
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of	)	DRE No. H-12719 SF
	)	OAH No. 2024030590
DIRECTQM, INC. and	)	
MICHAEL VAN THAN	)	<u>STIPULATION AND</u>
	)	<u>AGREEMENT IN SETTLEMENT</u>
Respondents.	)	<u>AND ORDER</u>

It is hereby stipulated by and between DIRECTQM, INC. (DQM), MICHAEL VAN THAN (THAN), ("Respondents"), and the Department of Real Estate ("Department" or "Complainant"), acting by and through Taylor Herrlinger, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on February 1, 2024 ("Accusation"), in this matter:

- All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").
- Respondents have received, read and understand the Statement to Respondent,

1 the Discovery Provisions of the APA and the Accusation filed by the Department in this  
2 proceeding.

3           3. Respondents filed a Notice of Defense pursuant to Section 11506 of the  
4 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
5 Respondents hereby freely and voluntarily withdraw said Notice of Defense. Respondents  
6 acknowledge that they understand that by withdrawing said Notice of Defense they thereby  
7 waive their right to require the Commissioner to prove the allegations in the Accusation at a  
8 contested hearing held in accordance with the provisions of the APA and that they will waive  
9 other rights afforded to it in connection with the hearing such as the right to present evidence in  
10 its defense, and the right to cross-examine witnesses.

11           4. This Stipulation is based on the factual allegations contained in the Accusation  
12 filed in this proceeding. In the interest of expedience and economy, Respondents choose not to  
13 contest these factual allegations, but to remain silent and understand that, as a result thereof,  
14 these factual statements, will serve as a prima facie basis for the disciplinary action stipulated to  
15 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove  
16 such allegations.

17           5. This Stipulation is made for the purpose of reaching an agreed disposition of  
18 this proceeding and is expressly limited to this proceeding and not any other proceeding or case  
19 in which the Department, or another licensing agency of this state, another state, or the federal  
20 government is involved, and otherwise shall not be admissible in any criminal or civil  
21 proceeding.

22           6. It is understood by the parties that the Real Estate Commissioner may adopt  
23 this Stipulation as her Decision in this matter, thereby imposing the penalty and sanctions on  
24 Respondents' real estate licenses and license rights as set forth in the below "Order." In the  
25 event that the Commissioner in her discretion does not adopt the Stipulation, the Stipulation shall  
26 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the  
27 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver

1 made herein.

2 7. The Order or any subsequent Order of the Real Estate Commissioner made  
3 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further  
4 administrative or civil proceedings by the Department with respect to any matters which were  
5 not specifically alleged to be causes for accusation in this proceeding.

6 **DETERMINATION OF ISSUES**

7 By reason of the foregoing, and solely for the purpose of settlement of the  
8 pending Accusation without a hearing, it is stipulated and agreed that the following  
9 Determination of Issues shall be made:

10 The conduct, acts or omissions of Respondents as set forth in the Accusation,  
11 constitute grounds for the suspension or revocation of Respondents' licenses and licensing rights  
12 pursuant to Business and Professions Code (Code) Section 10177(d).

13 **ORDER**

14 **WHEREFORE, THE FOLLOWING ORDER is hereby made:**

15 **DIRECTQM, INC.**

16 I.

17 All licenses and licensing rights of Respondent DQM under the Real Estate Law  
18 are revoked; provided, however, a restricted corporate real estate broker license shall be issued to  
19 DQM, pursuant to Section 10156.5 of the Code, if DQM makes application therefore and pays to  
20 the Department, the appropriate fee for the restricted license within 90 days from the effective  
21 date of this Decision and Order. The restricted license issued to DQM shall be subject to all of  
22 the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and  
23 restrictions imposed under authority of Section 10156.6 of the Code:

24 1. The restricted license issued to DQM may be suspended prior to hearing by  
25 Order of the Commissioner on evidence satisfactory to the Commissioner that DQM has violated  
26 provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the  
27 Commissioner or conditions attaching to the restricted license.

1                     2. DQM shall not be eligible to apply for the issuance of any unrestricted real  
2 estate license nor the removal of any of the conditions, limitations, or restrictions of a restricted  
3 license until two (2) years have elapsed from the effective date of this Decision and Order. DQM  
4 shall not be eligible to apply for any unrestricted licenses until all restrictions attaching to the  
5 license have been removed.

6   **MICHAEL VAN THAN**

7                     1. All licenses and licensing rights of THAN under the Real Estate Law are  
8 suspended for a period of sixty (60) days from the effective date of this Decision and Order;  
9 provided, however, that:

10                                     a. Thirty (30) days of said suspension shall be stayed, upon the condition  
11 that THAN petitions pursuant to Section 10175.2 of the Code and pays a monetary penalty  
12 pursuant to Section 10175.2 of the Code at a rate of \$100.00 for each day of the suspension for a  
13 total monetary penalty of \$3,000.00.

14   i. Said payment shall be in the form of a cashier's check made  
15 payable to the Department of Real Estate and delivered to the Department of Real Estate, Flag  
16 Section, 651 Bannon Street, Suite 504, Sacramento, California 95811, prior to the effective date  
17 of this Order.

18   ii. No further cause for disciplinary action against the Real Estate  
19 licenses of THAN occurs within two (2) years from the effective date of the Decision and Order  
20 in this matter.

21   iii. If THAN fails to pay the monetary penalty as provided above  
22 prior to the effective date of this Stipulation, the suspension shall go into effect automatically.

23   iv. If THAN timely pays the monetary penalty and any other  
24 moneys due under this Stipulation; and if no further cause for disciplinary action against the real  
25 estate license of THAN occurs within two (2) years from the effective date of this Stipulation,  
26 the entire stay hereby granted pursuant to this Stipulation as to THAN only, shall become  
27 permanent.

1                   2. The remaining thirty (30) days of said suspension shall also be stayed for two  
2 (2) years upon the following terms and conditions:

3                   a. THAN shall obey all laws, rules, and regulations governing the rights,  
4 duties and responsibilities of a real estate licensee in the State of California.

5                   b. That no final subsequent determination be made, after hearing or upon  
6 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
7 date of this Stipulation. Should such a determination be made, the Commissioner may, in her  
8 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed  
9 suspension. Should no such determination be made, the stay imposed herein shall become  
10 permanent.

11                   **DIRECTOM, INC. AND MICHAEL VAN THAN**

12                   1. All licenses and license rights of Respondents DQM and THAN are  
13 indefinitely suspended, unless or until Respondents, jointly and severally, pay the sum of  
14 \$6,051.75 for the Commissioner's reasonable costs of the investigation and enforcement that led  
15 to this disciplinary action. Said payment shall be in the form of a cashier's check made payable  
16 to the Department of Real Estate. The investigative and enforcement costs must be delivered to  
17 the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA  
18 95811, **prior to the effective date of this Decision and Order.** Payment of investigation and  
19 enforcement costs should not be made until the Stipulation has been approved by the  
20 Commissioner.

21  
22 DATED: October 4, 2024

*Taylor Herrlinger*  
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Taylor Herrlinger, Counsel for  
Department of Real Estate

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EXECUTION OF THE STIPULATION

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Respondents have read the Stipulation, and its terms are understood by Respondents and are agreeable and acceptable to Respondents. Respondents understand that Respondents are waiving rights given to them by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and Respondents 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 Respondents would have the right to cross-examine witnesses against them and to present evidence in defense and mitigation of the charges.

Respondents agree, acknowledge, and understand that Respondents cannot rescind or amend this Stipulation and Agreement. By signing this Stipulation, Respondents understand and agree that Respondents may not withdraw Respondents' agreement or seek to rescind the Stipulation prior to the time the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and Order.

Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by electronically e-mailing a copy of the signature page, as actually signed by Respondents, to the Department. Respondents agree, acknowledge, and understand that by electronically sending to the Department an electronic copy of Respondents' actual signature, as it appears on the Stipulation, that receipt of the emailed copy by the Department shall be as binding on Respondents as if the Department had received the original signed Stipulation. Alternatively, Respondents can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Taylor Herrlinger, Department of Real Estate, 651 Bannon Street, Suite 507, Sacramento, California 95811.

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Dated: 10/04/2024

*Michael Van Than*  
DIRECTQM, INC., by and through  
Designated Officer Michael Van Than,  
Respondent


Dated: 10/4/2024

*Michael Van Than*  
MICHAEL VAN THAN  
Respondent

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents DIRECTQM, INC. and MICHAEL VAN THAN and shall become effective at 12 o'clock noon on NOV 27 2024.

IT IS SO ORDERED 10/29/2024.

CHIKA SUNQUIST  
REAL ESTATE COMMISSIONER  
  
By: Marcus L. McCarther  
Chief Deputy Real Estate Commissioner