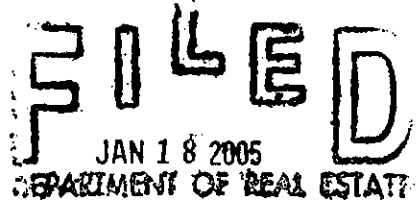


1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982
5 -or- (213) 576-6910 (Direct)



6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 CNB MORTGAGE, INC., a corporation;)
13 BINH DINH TRAN, individually and)
14 as designated officer of CNB)
15 Mortgage, Inc.; and ERIC LEE)
16 ANDERSON,)

DRE No. H-30752 LA
OAH No. L-2004050646

STIPULATION AND AGREEMENT

17 Respondents.)

18 It is hereby stipulated by and between ERIC LEE

19 ANDERSON (hereinafter "Respondent"), representing himself, and
20 the Complainant, acting by and through Chris Leong, Counsel for
21 the Department of Real Estate, as follows for the purpose of
22 settling and disposing of the Accusation filed on March 10, 2004.
23 The matter as to CNB MORTGAGE, INC. and BINH DINH TRAN, will be
24 handled separately.

25 ///

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27 ///

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondent
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act, shall instead and in place thereof be submitted
6 solely on the basis of the provisions of this Stipulation and
7 Agreement ("Stipulation").

8 2. Respondent has received, read and understands the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act and the Accusation, filed by the
11 Department of Real Estate in this proceeding.

12 3. Respondent filed a Notice of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusation.
15 Respondent hereby freely and voluntarily withdraws said Notice
16 of Defense. Respondent acknowledges that he understands that
17 by withdrawing said Notice of Defense he will thereby waive his
18 right to require the Commissioner to prove the allegations in
19 the Accusation at a contested hearing held in accordance with
20 the provisions of the Administrative Procedure Act and that
21 Respondent will waive other rights afforded to him in connection
22 with the hearing, such as the right to present evidence in
23 defense of the allegations in the Accusation and the right to
24 cross-examine witnesses.
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27

1 4. This Stipulation is based on the factual
2 allegations contained in the Accusation filed in this proceeding.
3 In the interest of expedience and economy, Respondent chooses not
4 to contest these factual allegations, but to remain silent and
5 understands that, as a result thereof, these factual statements,
6 will serve as a prima facie basis for the disciplinary action
7 stipulated to herein. The Real Estate Commissioner shall not be
8 required to provide further evidence to prove such allegations.

9 5. This Stipulation and Respondent's decision not to
10 contest the Accusation are made for the purpose of reaching an
11 agreed disposition of this proceeding and are expressly limited
12 to this proceeding and any other proceeding or case in which the
13 Department of Real Estate, or another licensing agency of this
14 state, another state or if the federal government is involved,
15 and otherwise shall not be admissible in any other criminal or
16 civil proceedings.

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt the Stipulation as his decision
19 in this matter thereby imposing the penalty and sanctions on
20 Respondent's real estate license and license rights as set forth
21 in the below "Order". In the event that the Commissioner in his
22 discretion does not adopt the Stipulation, the Stipulation shall
23 be void and of no effect, and Respondent shall retain the right
24 to a hearing on the Accusation under all the provisions of the
25
26
27

1 APA and shall not be bound by any stipulation or waiver made
2 herein.

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

9 DETERMINATION OF ISSUES

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

14 The acts and omissions of Respondent, as described in
15 the Accusation, is a violation of Code Section 10130 and is cause
16 for the suspension or revocation of all real estate licenses and
17 license rights of Respondent under Code Section 10177(d).
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I. All licenses and licensing rights of Respondent

ERIC LEE ANDERSON, under the Real Estate Law are revoked;
provided, however, a restricted real estate salesperson license
shall be issued to Respondent pursuant to Section 10156.5 of the
Business and Professions Code if Respondent makes application
therefor 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 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.

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

6 4. Respondent shall submit with any application for
7 license under an employing broker, or any application for
8 transfer to a new employing broker, a statement signed by the
9 prospective employing real estate broker on a form approved by
10 the Department of Real Estate which shall certify:

11 (a) That the employing broker has read the Decision of
12 the Commissioner which granted the right to a restricted license;
13 and

14 (b) That the employing broker will exercise close
15 supervision over the performance by the restricted licensee
16 relating to activities for which a real estate license is
17 required.
18

19 II. All licenses and licensing rights of Respondent
20 ERIC LEE ANDERSON, under the Real Estate Law shall be suspended
21 for a period of sixty (60) days from issuance of the restricted
22 license; provided, however, that the last thirty (30) days of the
23 sixty (60) day suspension shall be stayed for two (2) years upon
24 the following terms and conditions:
25
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1 (a) Respondent shall obey all laws, rules and
2 regulations governing the rights, duties and responsibilities of
3 a real estate licensee in the State of California; and

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

12 1. If Respondent petitions, the initial thirty (30)
13 days of said suspension or a portion thereof shall be stayed upon
14 condition that:

15 (a) Pursuant to Code Section 10175.2, Respondent pays
16 a monetary penalty at the rate of Fifty Dollars (\$50.00) per day
17 for a total monetary penalty of One Thousand Five Hundred Dollars
18 (\$1,500.00).

19 (b) Said payment shall be in the form of a cashier's
20 check or certified check made payable to the Recovery Account of
21 the Real Estate Fund. Said check must be received by the
22 Department prior to the effective date of the Decision in this
23 matter.
24
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1 (c) No further cause for disciplinary action against
2 the real estate license of Respondent occurs within two (2)
3 years from the effective date of the Decision in this matter.
4

5 (d) If Respondent fails to pay the monetary penalty in
6 accordance with the terms and conditions of the Decision, the
7 Commissioner may, without a hearing, order the immediate
8 execution of all or any part of the stayed suspension in which
9 event the Respondents shall not be entitled to any repayment nor
10 credit, prorated or otherwise, for money paid to the Department
11 under the terms of this Decision.

12 (e) If Respondent pays the monetary penalty and if no
13 further cause for disciplinary action against the real estate
14 licenses of Respondent occurs within two (2) years from the
15 effective date of this Decision, the stay hereby granted shall
16 become permanent.

17
18 DATED: _____

11/9/04

17 Chris Leong
18 CHRIS LEONG, ESQ.
19 Counsel for Complainant

20 * * *

21 I have read the Stipulation and Agreement and its terms
22 are understood by me and are agreeable and acceptable to me.
23 I understand that I am waiving rights given to me by the
24 California Administrative Procedure Act (including but not
25 limited to Sections 11506, 11508, 11509 and 11513 of the
26 Government Code), and I willingly, intelligently and voluntarily
27 waive those rights, including the right of requiring the

1 Commissioner to prove the allegations in the Accusation at a
2 hearing at which I would have the right to cross-examine
3 witnesses against me and to present evidence in defense and
4 mitigation of the charges.

5 Respondent can signify acceptance and approval of the
6 terms and conditions of this Stipulation and Agreement by faxing
7 a copy of the signature page, as actually signed by Respondent,
8 to the Department at fax number (213) 576-6917. Respondent
9 agrees, acknowledges and understands that by electronically
10 sending to the Department a fax copy of his actual signature as
11 it appears on the Stipulation and Agreement, that receipt of the
12 faxed copy by the Department shall be as binding on Respondent
13 as if the Department had received the original signed Stipulation
14 and Agreement.

15 DATED: 10/13/04

Eric Lee Anderson
16 ERIC LEE ANDERSON, Respondent

17 * * *

18 The foregoing Stipulation and Agreement is hereby
19 adopted as my Decision in this matter and shall become effective
20 at 12 o'clock noon on February 7, 2005.

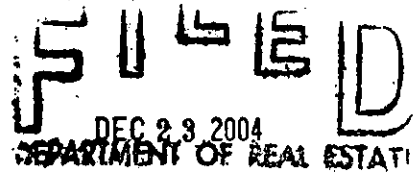
21
22 IT IS SO ORDERED January 12, 2005.

23 JEFF DAVI
24 Real Estate Commissioner

25 [Signature]
26
27

Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)



BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	DRE No. H-30752 LA
CNB MORTGAGE, INC., a corporation;)	OAH No. L-2004050646
BINH DINH TRAN, individually and)	
as designated officer of CNB)	
Mortgage, Inc.; and ERIC LEE)	<u>STIPULATION AND AGREEMENT</u>
ANDERSON,)	
)	
Respondents.)	
)	

It is hereby stipulated by and between CNB MORTGAGE, INC., a corporation (hereinafter "CNB") and BINH DINH TRAN, individually and as designated officer of CNB (hereinafter "TRAN") (hereinafter sometimes both referred to as "Respondents"), represented by Frank M. Buda, Esq., and the Complainant, acting by and through Chris Leong, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on March 10, 2004. The matter as to ERIC LEE ANDERSON will be handled separately.

1 1. All issues which were to be contested and all
2 evidence which was to be presented by Complainant and Respondents
3 at a formal hearing on the Accusation, which hearing was to be
4 held in accordance with the provisions of the Administrative
5 Procedure Act, shall instead and in place thereof be submitted
6 solely on the basis of the provisions of this Stipulation and
7 Agreement ("Stipulation").

8 2. Respondents have received, read and understand the
9 Statement to Respondent, the Discovery Provisions of the
10 Administrative Procedure Act and the Accusation, filed by the
11 Department of Real Estate in this proceeding.

12 3. Respondents filed Notices of Defense pursuant to
13 Section 11506 of the Government Code for the purpose of
14 requesting a hearing on the allegations in the Accusation.
15 Respondents hereby freely and voluntarily withdraw said Notices
16 of Defense. Respondents acknowledge that they understand that by
17 withdrawing said Notices of Defense they will thereby waive their
18 right to require the Commissioner to prove the allegations in the
19 Accusation at a contested hearing held in accordance with the
20 provisions of the Administrative Procedure Act and that
21 Respondents will waive other rights afforded to them in
22 connection with the hearing, such as the right to present
23 evidence in defense of the allegations in the Accusation and the
24 right to cross-examine witnesses.
25
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27

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

9 5. This Stipulation and Respondents' decision not to
10 contest the Accusation are made for the purpose of reaching an
11 agreed disposition of this proceeding and are expressly limited
12 to this proceeding and any other proceeding or case in which the
13 Department of Real Estate, or another licensing agency of this
14 state, another state or if the federal government is involved,
15 and otherwise shall not be admissible in any other criminal or
16 civil proceedings.

17 6. It is understood by the parties that the Real
18 Estate Commissioner may adopt the Stipulation as his decision
19 in this matter thereby imposing the penalty and sanctions on
20 Respondents' real estate licenses and license rights as set forth
21 in the below "Order". In the event that the Commissioner in his
22 discretion does not adopt the Stipulation, the Stipulation shall
23 be void and of no effect, and Respondents shall retain the right
24 to a hearing on the Accusation under all the provisions of the
25
26
27

1 APA and shall not be bound by any stipulation or waiver made
2 herein.

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

9 DETERMINATION OF ISSUES

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

14 The acts and omissions of Respondent TRAN, as described
15 in the Accusation, is in violation of Code Section 10137 and is
16 cause for the suspension or revocation of all real estate
17 licenses and license rights of Respondent pursuant to Code
18 Sections 10137 and 10177(d).
19

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The Accusation as to CNB MORTGAGE, INC., a corporation is hereby DISMISSED.

2. All licenses and licensing rights of Respondent BINH DINH TRAN, individually and as designated officer of CNB Mortgage, Inc., under the Real Estate Law shall be suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that the last sixty (60) days of the ninety (90) day suspension shall be stayed for two (2) years upon the following terms and conditions:

(a) Respondent TRAN shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

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

///

///

///

1 2. If Respondent TRAN petitions, the initial thirty
2 (30) days of said suspension or a portion thereof shall be stayed
3 upon condition that:

4 (a) Pursuant to Code Section 10175.2, Respondent TRAN
5 pays a monetary penalty at the rate of One Hundred Dollars
6 (\$100.00) per day for a total monetary penalty of Three Thousand
7 Dollars (\$3,000.00).

8 (b) Said payment shall be in the form of a cashier's
9 check or certified check made payable to the Recovery Account of
10 the Real Estate Fund. Said check must be received by the
11 Department prior to the effective date of the Decision in this
12 matter.

13 (c) No further cause for disciplinary action against
14 the real estate license of Respondent occurs within two (2) years
15 from the effective date of the Decision in this matter.

16 (d) If Respondent TRAN fails to pay the monetary
17 penalty in accordance with the terms and conditions of the
18 Decision, the Commissioner may, without a hearing, order the
19 immediate execution of all or any part of the stayed suspension
20 in which event the Respondent shall not be entitled to any
21 repayment nor credit, prorated or otherwise, for money paid to
22 the Department under the terms of this Decision.
23

24 ///

25 ///

26 ///

1 (e) If Respondent TRAN pays the monetary penalty and
2
3 if no further cause for disciplinary action against the real
4 estate licenses of Respondent TRAN occurs within two (2) years
5 from the effective date of this Decision, the stay hereby granted
6 shall become permanent.

7
8 DATED: _____

11/3/04

CHRIS LEONG

CHRIS LEONG, ESQ.
Counsel for Complainant

9
10 * * *

11 We have read the Stipulation and Agreement have
12 discussed it with our counsel and its terms are understood by us
13 and are agreeable and acceptable to us. We understand that we
14 am waiving rights given to us by the California Administrative
15 Procedure Act (including but not limited to Sections 11506,
16 11508, 11509 and 11513 of the Government Code), and we
17 willingly, intelligently and voluntarily waive those rights,
18 including the right of requiring the Commissioner to prove the
19 allegations in the Accusation at a hearing at which we would
20 have the right to cross-examine witnesses against us and to
21 present evidence in defense and mitigation of the charges.

22 Respondents can signify acceptance and approval of the
23 terms and conditions of this Stipulation and Agreement by faxing
24 a copy of the signature page, as actually signed by Respondents,
25 to the Department at fax number (213) 576-6917. Respondents
26 agree, acknowledge and understand that by electronically sending
27 to the Department a fax copy of their actual signatures as they

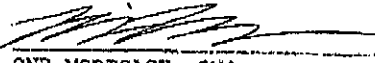
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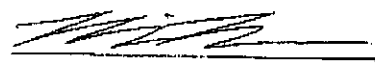
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appear on the Stipulation and Agreement, that receipt of the
faxed copy by the Department shall be as binding on Respondents
as if the Department had received the original signed Stipulation
and Agreement.

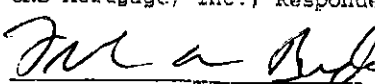
DATED: 10/11/04


CNB MORTGAGE, INC., a corporation
by Binh Dinh Tran, designated
officer, Respondent

DATED: 10/11/04


BINH DINH TRAN, individually
and as designated officer of
CNB Mortgage, Inc., Respondent

DATED: 10/11/04

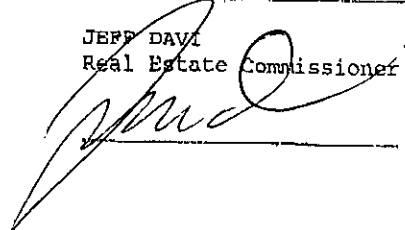

FRANK M. BUDA, ESQ.
Counsel for Respondent
(approved as to form and content)

* * *

The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on January 12, 2005.

IT IS SO ORDERED

December 22 2004
JEFF DAVIS
Real Estate Commissioner



1 appear on the Stipulation and Agreement, that receipt of the
2 faxed copy by the Department shall be as binding on Respondents
3 as if the Department had received the original signed Stipulation
4 and Agreement.

5
6 DATED: _____

CNB MORTGAGE, INC., a corporation
by Binh Dinh Tran, designated
officer, Respondent

8
9 DATED: _____

BINH DINH TRAN, individually and
as designated officer of CNB
Mortgage, Inc., Respondent

11
12 DATED: _____

FRANK M. BUDA, ESQ.
Counsel for Respondent
(Approved as to content)

14 * * *

15 The foregoing Stipulation and Agreement is hereby
16 adopted as my Decision in this matter and shall become effective
17 at 12 o'clock noon on _____.

18 IT IS SO ORDERED _____.

19 JEFF DAVI
20 Real Estate Commissioner
21
22 _____
23
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27

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
CNB MORTGAGE, INC., a corporation;)
BINH DINH TRAN, individually and)
as designated officer of)
CNB Mortgage, Inc.; and)
ERIC LEE ANDERSON,)

Case No. H-30752 LA

OA# No. L-2004050646

Respondent(s)

FILED
SEP 28 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on WEDNESDAY, OCTOBER 13, 2004, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 28, 2004

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: CNB Mortgage, Inc.
Binh Dinh Tran
Eric Lee Anderson
Frank M. Buda, Esq.
Sacto.
OAH

5A

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) Case No. H-30752 LA
)
CNB MORTGAGE, INC., a corporation;) OAH No. L-2004050646
BINH DINH TRAN, individually and)
as designated officer of)
CNB Mortgage, Inc.; and)
ERIC LEE ANDERSON,)

Respondent(s)

FILED
JUN 24 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on OCTOBER 12 and 13, 2004, at the hour of 9:00 A.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

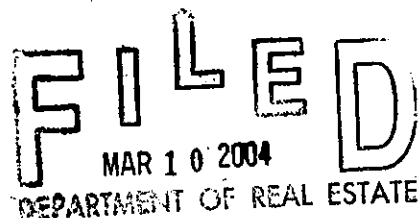
Dated: June 24, 2004

By

CHRIS LEONG
CHRIS LEONG, Counsel

cc: CNB Mortgage, Inc.
Binh Dinh Tran
Eric Lee Anderson
Sacto.
OAH
Frank M. Buda, Esq.

CHRIS LEONG, Counsel (SBN 141079)
Department of Real Estate
320 West Fourth Street, Suite 350
Los Angeles, CA 90013-1105
Telephone: (213) 576-6982
-or- (213) 576-6910 (Direct)



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-30752 LA
)	
CNB MORTGAGE, INC., a corporation;)	<u>A C C U S A T I O N</u>
BINH DINH TRAN, individually and)	
as designated officer of CNB)	
Mortgage, Inc.; and ERIC LEE)	
ANDERSON,)	
)	
Respondents.)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against CNB MORTGAGE, INC., a corporation (hereafter "CNB"); BINH DINH TRAN, individually and as designated officer of CNB Mortgage, Inc. (hereafter "TRAN") and ERIC LEE ANDERSON (hereafter "ANDERSON") (hereafter sometimes collectively referred to as "Respondents"), is informed and alleges as follows:

I

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, makes this Accusation against Respondents in her official capacity.

II

Respondents are presently licensed and/or have license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (hereafter "Code").

III

At all times mentioned herein, CNB was and is licensed by, and has license rights with, the Department of Real Estate (hereafter "Department") as a corporate real estate broker. From June 11, 2001 to June 19, 2001, CNB's license was suspended due to TRAN's failure to provide proof to the Department of completion of his educational requirements.

IV

At all times mentioned herein, TRAN was and is licensed by, and has license rights with, the Department as a real estate broker, individually and as designated officer of CNB. From June 11, 2001 to June 19, 2001, TRAN's license was suspended due to TRAN's failure to provide proof to the Department of completion of his educational requirements.

V

Since on or about June 30, 2001, ANDERSON was and is licensed by, and has license rights with, the Department as a real estate salesperson. Prior to that ANDERSON was not licensed by the Department. From February 2001 to present ANDERSON was employed by TRAN and CNB.

VI

All further references to "Respondents", unless otherwise specified, include the parties identified in Paragraphs

1 II through V, above, and also include the employees, agents and
2 real estate licensees employed by or associated with said
3 parties, who at all times herein mentioned were engaged in the
4 furtherance of the business or operations of said parties and who
5 were acting within the course and scope of their authority and
6 employment.

7 UNLICENSED ACTIVITY (ANDERSON)

8 VII

9 From in or about December 2000 to June 29, 2001, when
10 ANDERSON was not licensed by the Department, ANDERSON solicited
11 and negotiated, in expectation of compensation, loans, and
12 purchases and sales for real property to purchase real
13 property. Said conduct requires a real estate broker license
14 as described in Code Section 10131(a).

15 VIII

16 From in or about December 2000 to June 2001, when
17 ANDERSON was not licensed by the Department, ANDERSON solicited
18 and negotiated, for compensation, a purchase agreement and a
19 loan for purchase of real property located at 4207 W. Ash,
20 Fullerton, CA (hereafter "Ash Property").. Said conduct
21 requires a real estate broker license as described in Code
22 Section 10131(a) and (d).

23 IX

24 As part of ANDERSON's conduct listed above,
25 ANDERSON represented that he and/or the dbas Home Side Real
26 Estate and CNB were properly licensed as real estate brokers.
27 This representation was false.

X

1 On or about March 25, 2001, ANDERSON showed John
2 Anthony Stevenson and Indira Josie Lupercyo (hereafter "the
3 Buyers") the Ash Property. On April 23, 2001, the Buyers
4 employed ANDERSON to make an offer on the Ash Property. On
5 about April 23, 2001, a counter offer was received by ANDERSON,
6 reviewed by TRAN, and ANDERSON presented it to the Buyers, who
7 accepted it. Also on April 25, 2001, ANDERSON faxed notice of
8 the Buyers' acceptance to Daidra Tillman, the listing agent of
9 the Ash Property, and instructed Tillman to "Open escrow now".
10 On or about April 27, 2001, escrow was opened at United Title
11 Company, Escrow No. 53000254. On the same day, ANDERSON signed
12 and sent instructions to escrow to pay commissions of \$7,050.00
13 to Home Side Real Estate. On or about June 11, 2001, in
14 response to escrow's request for ANDERSON and TRAN'S real
15 estate license information, ANDERSON and TRAN, on behalf of
16 CNB, sent a copy of Binh Dinh Tran's real estate license,
17 wherein TRAN was requesting a release of the broker check.
18

XI

19 Prior to engaging in the business and acting in the
20 capacity of a real estate broker within the State of California,
21 as set forth in Paragraphs VII through X, ANDERSON failed to
22 obtain a real estate broker license from the Department or failed
23 to be employed as a real estate salesperson by a real estate
24 broker, in violation of Code Sections 10130 and 10132. Said
25 conduct and violations are cause to suspend or revoke the real
26
27

1 estate license and license rights of ANDERSON under Code Section
2 10177(d).

3 UNLICENSED ACTIVITY (CNB)

4 XIII

5 The conduct, from June 11, 2001 to June 19, 2001, while
6 CNB's license was suspended, CNB engaged in the business of and
7 acted in the capacity of a real estate broker within the State of
8 California, as set forth in Paragraph X, while it's license was
9 suspended, is in violation of Code Section 10130. Said conduct
10 and violations are cause to suspend or revoke the real estate
11 license and license rights of CNB under Code Section 10177(d).

12 XIII

13 The conduct of TRAN and CNB in allowing, employing and
14 compensating ANDERSON to engage in the business of and act in the
15 capacity of a real estate broker within the State of California,
16 and other conduct, as set forth in Paragraphs V through X, before
17 ANDERSON obtained a real estate license from the Department, is
18 in violation of Code Section 10137. Said conduct and violations
19 are cause to suspend or revoke the real estate license and
20 license rights of TRAN and CNB under Code Sections 10137,
21 10177(d) and/or 10177(g).


22 XIV

23 The conduct of TRAN, as set forth in Paragraphs V
24 through X, in using the unlicensed fictitious business name Home
25 Side Real Estate, is in violation of Title 10 Chapter 6,
26 California Code of Regulation Section 2731; and the conduct of
27 TRAN, as set forth in Paragraphs V through X, in hiring ANDERSON

1 without having a signed broker/salesperson agreement, is in
2 violation of Title 10 Chapter 6, California Code of Regulation
3 Section 2726 and is cause to suspend or revoke the real estate
4 license and license rights of TRAN under Code Section 10177(d).

5 WHEREFORE, Complainant prays that a hearing be
6 conducted on the allegations of this Accusation and that upon
7 proof thereof, a decision be rendered imposing disciplinary
8 action against all licenses and license rights of Respondents,
9 CNB MORTGAGE, INC., a corporation; BINH DINH TRAN, individually
10 and as designated officer of CNB Mortgage, Inc.; and ERIC LEE
11 ANDERSON, under the Real Estate Law (Part 1 of Division 4 of
12 the Business and Professions Code), and for such other and
13 further relief as may be proper under other applicable
14 provisions of law.

15 Dated at Los Angeles, California
16 this 9th day of March, 2004.

17 
18 Deputy Real Estate Commissioner
19
20
21
22

23 cc: CNB Mortgage, Inc.
24 Eric Lee Anderson
25 Binh Dinh Tran
26 Sacto.
27 Janice Waddell