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FILED
JUN 14 2011
DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of) No. H-31846 LA
TUONG XUAN CAO,)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On September 14, 2005, a Decision was rendered herein denying the real estate broker license of Respondent, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on October 1, 2005, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On or about June 16, 2009, Respondent petitioned for removal of restrictions of said real estate broker license.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent

1 meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker
2 license and that it would not be against the public interest to issue said license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal
4 of restrictions is granted and that a real estate broker license be issued to Respondent, if
5 Respondent satisfies the following conditions:

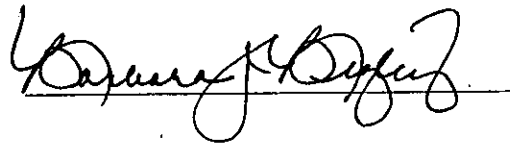
6 1. Submits a completed application and pays the fee for a real estate broker
7
8 license within the 12 month period following the date of this Order; and

9 2. Submits proof that Respondent has completed the continuing education
10 requirements for renewal of the license sought. The continuing education courses must be
11 completed either (i) within the 12 month period preceding the filing of the completed application,
12 or (ii) within the 12 month period following the date of this Order.

13 This Order shall be effective immediately.

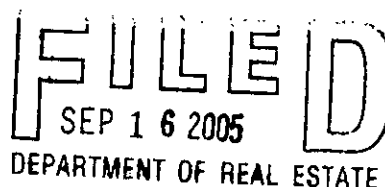
14 Dated: 5/19/11

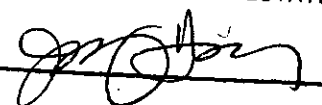
15
16 BARBARA J. BIGBY
17 Acting Real Estate Commissioner

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27

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982



5 By 

6
7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**
9

10 *In the Matter of the Application of*

11 TUONG XUAN CAO,

) No. H- 31846 LA
) L-2005050555

) **STIPULATION AND**
) **WAIVER**
)

12
13
14 Respondent)

15 It is hereby stipulated by and between TUONG XUAN CAO (hereinafter "Respondent") and
16 Respondent's attorney, Phu Do Nguyen, and the Complainant, acting by and through Alvaro Mejia, Counsel
17 for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of
18 Issues filed on April 21, 2005 in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate broker license. Respondent understands that the Real Estate Commissioner may
22 hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate broker license based upon this Stipulation and Waiver.
25 Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate broker license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate broker license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate broker license to Respondent under the authority of Section 10156.5 of the Business and Professions
7 Code.

8 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's
9 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's
10 rehabilitation in order to obtain an unrestricted real estate broker license if this Stipulation and Waiver is
11 accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a
12 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and
13 Waiver is not accepted by the Commissioner.

14 Respondent further understands that the following conditions, limitations, and restrictions will attach
15 to a restricted license issued by the Department of Real Estate pursuant hereto:

16 1. The license shall not confer any property right in the privileges to be exercised including the
17 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right
18 to exercise any privileges granted under this restricted license in the event of:

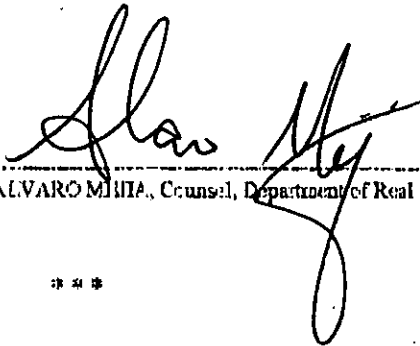
19 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears
20 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or

21 b. The receipt of evidence that Respondent has violated provisions of the California Real
22 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or
23 conditions attaching to this restricted license.

24 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license
25 nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted
26 license until two years have elapsed from the date of issuance of the restricted license to
27 Respondent.

8/31/05

Dated

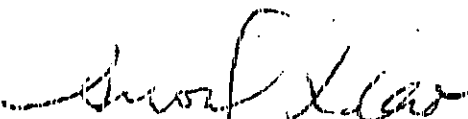

ALVARO MOLINA, Counsel, Department of Real Estate

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

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

8-31-05

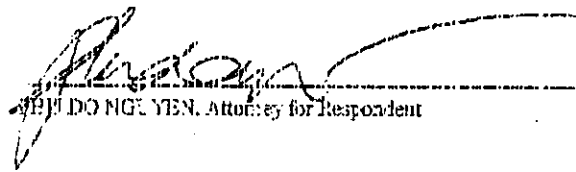
Dated


TUONG XUAN CAO, Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

8-31-05

Dated

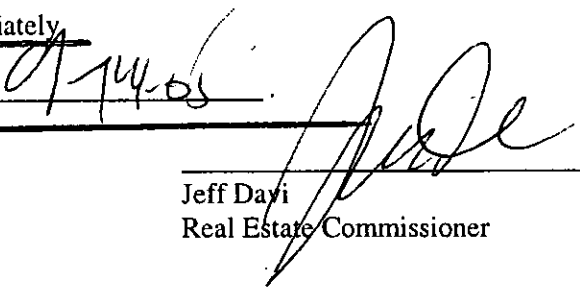

PHYLLIS DO NGE YEN, Attorney for Respondent

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 9-14-05



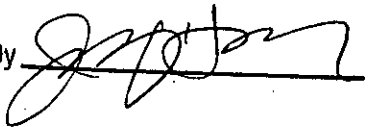
Jeff Davi
Real Estate Commissioner

ALVARO MEJIA, Counsel (SBN 216956)
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FILED
APR 21 2005

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of	)	NO. H-31846 LA
	)	
TUONG XUAN CAO,	)	
	)	<u>STATEMENT OF ISSUES</u>
	)	
Respondent.	)	
	)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Statement of Issues against TUONG XUAN CAO, aka Tuong X. Cao, aka Tuong Xuan ("Respondent"), is informed and alleges as follows:

1.

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

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2.

Respondent made application to the Department of Real Estate of the State of California for a real estate broker license on or about June 1, 2004.

3.

(CRIMINAL CONVICTION)

On or about November 27, 2000, in the Superior Court of California, County of Orange, in Case No. DV00WM11135, Respondent, TUONG XUAN CAO, aka Tuong X. Cao, aka Tuong Xuan, was convicted of three (3) counts of violating California Vehicle Code Section 20 (Unlawful To Make False Statement). This is a crime involving moral turpitude which bears a substantial relationship under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a real estate licensee.

4.

On or about August 2, 2001, the State of California, Department of Motor Vehicles, in Case No's: DSA-00-0786; DOA-00-0788; DIA-000787; and DIA-00-0437, sought the revocation of Respondent's (dba EZ Street Driving School), Driving School Owner's License No. DS-3363. As more fully set forth in the Accusations for Case No's: DSA-00-0786; DOA-00-0788; DIA-000787; and DIA-00-0437, the Department of Motor Vehicles alleged that the Respondent (EZ Street Driving School) falsely submitted safety inspection reports for ten (10) vehicles used in driving instruction in violation of California Vehicle Code Sections

1 11107, 11109, 11110, 11110.1, and Title 13, California Code of
2 Regulations Section 340.30. The Accusations for Case No's: DSA-
3 00-0786; DIA-000787; and DIA-00-0437, were consolidated under
4 Case No. DOA-00-0788.

5 As a result of a Compromise Settlement Agreement filed
6 on June 20, 2002, the Respondent's (EZ Street Driving School)
7 Driving School Owner's License No. DS-3363 was revoked for a
8 period of three (3) years. The revocation of Respondent's (EZ
9 Street Driving School), Driving School Owner's License No. DS-
10 3363 was stayed for a period of three (3) years under terms and
11 conditions including an actual suspension of twenty-eight (28)
12 days, and the payment of a \$4,950.00 monetary penalty.

13 On June 20, 2002, Steven Gourley, Director, Department
14 of Motor Vehicles, adopted the Comprmise Settlement Agreement
15 as the Decision in Case No. DOA-00-0788. The Decision became
16 effective July 22, 2002.

17
18 5.

19 The crime of which Respondent was convicted as alleged
20 herein above in Paragraph 3, and the allegations contained in
21 Paragraph 4 above, constitutes cause for denial of Respondent's
22 application for a real estate license under Code Sections
23 475(a)(2); 480 (a)(1) and/or 10177(b); 10177(f) of the Business
24 and Professions Code of the State of California.

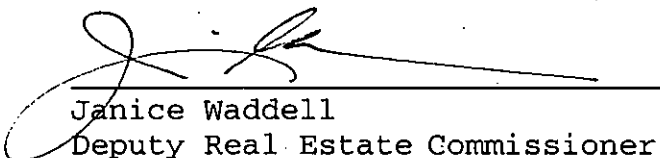
25 The Statement of Issues is brought under the
26 provisions of Section 10100, Division 4 of the Business and
27 Professions Code of the State of California and Sections 11500

and 11529 of the Government Code.

WHEREFORE, Complainant prays that the above entitled matter be set for hearing and, upon proof of the charges contained herein, that the Commissioner refuse to authorize the issuance of, and deny the issuance of, a real estate salesperson license to Respondent, TUONG XUAN CAO, and for such other and further relief as may be proper under other provisions of law.

Dated at Los Angeles, California

this 20 day of April, 2005.



Janice Waddell
Deputy Real Estate Commissioner

Cc: TUONG XUAN CAO
Janice Waddell
Sacto.
LA