

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-33547 LA
)
TOM T. MAI,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 24, 2007, a Decision was rendered herein, revoking 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 May 22, 2007, and Respondent has operated as a restricted licensee since that time.

On or about May 28, 2009, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of Respondent's petition.

I have considered Respondent's petition and the evidence and arguments submitted in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate broker license and that it would not be against the public interest to issue said license to Respondent.

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

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

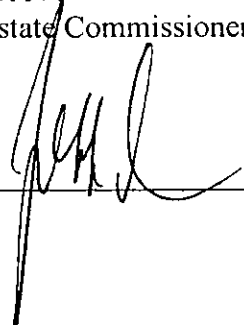
6 2. Submits proof that Respondent has completed the continuing education
7 requirements for renewal of the license sought. The continuing education courses must be
8 completed either (i) within the 12 month period preceding the filing of the completed
9 application, or (ii) within the 12 month period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

11
12 This Order shall be effective immediately.

13 Dated:

8-17-2010.

14 JEFF DAVIS
15 Real Estate Commissioner

16
17 
18
19
20
21
22
23
24
25
26
27

FILED

MAY - 2 2007

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-33547 LA

TOM T. MAI,

Respondent.

STIPULATION

AND

AGREEMENT

It is hereby stipulated by and between TOM T. MAI (sometimes referred to as respondent), represented by Tang Kiet, Esq. and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing the Accusation filed in this matter on December 19, 2006:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent 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

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement.

3 3. Respondent timely filed a Notice of Defense
4 pursuant to Section 11505 of the Government Code for the purpose
5 of requesting a hearing on the allegations in the Accusation.
6 Respondent hereby freely and voluntarily withdraws said Notice of
7 Defense. Respondent acknowledges that he understands that by
8 withdrawing said Notice of Defense he thereby waives his right to
9 require the Commissioner to prove the allegations in the
10 Accusation at a contested hearing held in accordance with the
11 provisions of the APA and that he will waive other rights
12 afforded to him in connection with the hearing such as the right
13 to present evidence in defense of the allegations in the
14 Accusation and the right to cross-examine witnesses.

15 4. Respondent, pursuant to the limitations set forth
16 below, admits the factual allegations made in the Accusation
17 filed in this proceeding are true and correct and the Real Estate
18 Commissioner shall not be required to provide further evidence of
19 such allegations.

20 5. It is understood by the parties that the Real
21 Estate Commissioner may adopt the Stipulation and Agreement as
22 his decision in this matter thereby imposing the penalty and
23 sanctions on respondent's real estate licenses and license rights
24 as set forth in the "Order" hereinbelow. In the event that the
25 Commissioner in his discretion does not adopt the Stipulation and
26 Agreement, the Agreement shall be void and of no effect, and
27 respondent shall retain the right to a hearing and proceeding on

1 the Accusation under the provisions of the APA and shall not be
2 bound by any admission or waiver made herein.

3 6. 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 matters which were 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 I.

15 The conduct of respondent, as described in Paragraph 4
16 is cause to suspend or revoke the real estate license and license
17 rights of respondent TOM T. MAI under the provisions of Sections
18 490 and 10177(b) of the Code.

19 ORDER

20 WHEREFORE THE FOLLOWING ORDER IS MADE PURSUANT TO THE
21 WRITTEN STIPULATION OF THE PARTIES:

22 I.

23 The real estate broker license and licensing rights of
24 Respondent TOM T. MAI under the Real Estate Law are revoked;
25 provided, however, a restricted real estate broker license shall
26

1 be issued to Respondent pursuant to Section 10156.5 of the
2 Business and Professions Code, if Respondent:

3 A. Makes application therefor and pays to the
4 Department of Real Estate the appropriate fee for the restricted
5 license within ninety (90) days from the effective date of this
6 Decision; and

7 B. The restricted license issued to Respondent shall
8 be subject to all of the provisions of Section 10156.7 of the
9 Code and the following limitations, conditions and restrictions
10 imposed under authority of Section 10156.6 of that Code:

11 1. The restricted license issued to Respondent may be
12 suspended prior to hearing by Order of the Real Estate
13 Commissioner in the event of Respondent's conviction or plea of
14 nolo contendere to a crime which is substantially related to
15 Respondent's fitness or capacity as a real estate licensee.

16 2. The restricted license issued to Respondent may
17 be suspended prior to hearing by Order of the Real Estate
18 Commissioner on evidence satisfactory to the Commissioner that
19 Respondent has violated provisions of the California Real Estate
20 Law, the Subdivided Lands Law, Regulations of the Real Estate
21 Commissioner or conditions attaching to the restricted license.

22 3. Respondent shall not be eligible to apply for the
23 issuance of an unrestricted real estate license nor for the
24 removal of any of the conditions, limitations or restrictions of
25
26
27

1 a restricted license until two (2) years have elapsed from the
2 effective date of this Decision.

3 4. Respondent shall, within nine (9) months from the
4 effective date of this Decision, present evidence satisfactory to
5 the Real Estate Commissioner that Respondent has, since the most
6 recent issuance of an original or renewal real estate license,
7 taken and successfully completed the continuing education
8 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
9 for renewal of a real estate license. If Respondent fails to
10 satisfy this condition, the Commissioner may order the suspension
11 of the restricted license until the Respondent presents such
12 evidence. The Commissioner shall afford Respondent the
13 opportunity for a hearing pursuant to the Administrative
14 Procedure Act to present such evidence.

15
16
17 DATED:

3-15-07

274
ELLIOTT MAC LENNAN, Counsel for
the Department of Real Estate

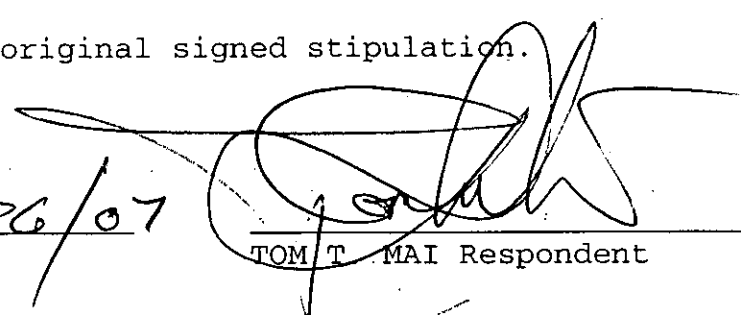
19 * * *

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

1 the 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 (1) shall mail the original signed signature
6 page of the stipulation herein to Elliott Mac Lennan: Attention:
7 Legal Section, Department of Real Estate, 320 W. Fourth St.,
8 Suite 350, Los Angeles, California 90013-1105. Additionally,
9 Respondent shall also (2) facsimile a copy of signed signature
10 page, to the Department at the following telephone/fax number:
11 (213) 576-6917, Attention: Elliott Mac Lennan. A facsimile
12 constitutes acceptance and approval of the terms and conditions
13 of this stipulation. Respondent agrees, acknowledges and
14 understands that by electronically sending to the Department a
15 facsimile copy of Respondent's actual signature as it appears on
16 the stipulation, that receipt of the facsimile copy by the
17 Department shall be as binding on Respondent as if the Department
18 had received the original signed stipulation.

20
21 DATED: 3/26/07


TOM T. MAI Respondent

23
24 DATED: 3/26/07

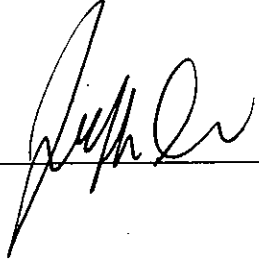

TANG KIET, ESQ.
Attorney for Respondent
Approved as to form

* * *

1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision as to Respondent TOM T. MAI and shall
3 become effective at 12 o'clock noon
4 on May 22,, 2007.

5 IT IS SO ORDERED 4-24, 2007.

6 JEFF DAVI
7 Real Estate Commissioner

8 
9 _____
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

8ac.
1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

FILED

DEC 19 2006

DEPARTMENT OF REAL ESTATE

BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)

No. H-33547 LA

12 TOM T. MAI,)

ACCUSATION

13 Respondent.)

14
15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against TOM T. MAI dba NBC Funding, is informed and alleges in
18 her official capacity as follows:

19 1.

20 Respondent is presently licensed and/or has license
21 rights as a real estate broker under the Real Estate Law (Part 1
22 of Division 4 of the California Business and Professions Code)
23 (Code).

24 ///

25 ///

26 ///

2.

Respondent was originally licensed by the Department of Real Estate of the State California as a real estate broker on January 27, 2003.

3.

On March 1, 2005, in the Superior Court of California, County of Orange, respondent was convicted upon a guilty plea to Vehicle Code Section 4461(b) (loan disable placard to an unauthorized person), a misdemeanor substantially related under Section 2910(a)(7), Chapter 6, Title 10 of the California Code of Regulations "Regulations"), to the qualifications, functions or duties of a real estate licensee.

4.

The facts as alleged in Paragraph 3, above, constitute cause for the suspension or revocation of the license and license rights of respondent under Code Sections 490 and/or 10177(b).

///

///

///

///

///

///

///

///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of respondent TOM
5 T. MAI under the Real Estate Law (Part 1 of Division 4 of the
6 Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provision of law.

8 Dated at Los Angeles, California

9 This *9th* day of August 2006.

10
11 
12 Deputy Real Estate Commissioner
13
14
15
16
17
18
19
20
21
22
23
24

25 cc: Tom T. Mai dba NBC Funding
26 Maria Suarez
27 Sacto