

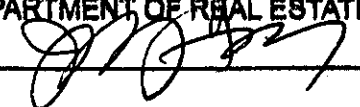
Department of Real Estate  
320 West 4th Street, Suite 350  
Los Angeles, California 90013-1105

Telephone: (213) 576-6982  
(Direct) (213) 576-5770

**FILED**

JUN 12 2007

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

|                                     |   |                 |
|-------------------------------------|---|-----------------|
| In the Matter of the Application of | ) | NO. H-33699 LA  |
|                                     | ) | L-2007030456    |
| SANH PHAM,                          | ) |                 |
|                                     | ) | STIPULATION AND |
|                                     | ) | WAIVER          |
| Respondent.                         | ) |                 |

It is hereby stipulated by and between SANH PHAM (hereinafter "Respondent") and Respondent's attorney, Frederick M. Ray, and the Complainant, acting by and through Cheryl D. Keily, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on February 1, 2007, in this matter:

Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may

1 hold a hearing on this Statement of Issues for the purpose of  
2 requiring further proof of Respondent's honesty and truthfulness  
3 and to prove other allegations therein, or that he may in his  
4 discretion waive the hearing and grant Respondent a restricted  
5 real estate salesperson license based upon this Stipulation and  
6 Waiver. Respondent also understands that by filing the  
7 Statement of Issues in this matter the Real Estate Commissioner  
8 is shifting the burden to Respondent to make a satisfactory  
9 showing that Respondent meets all the requirements for issuance  
10 of a real estate salesperson license. Respondent further  
11 understand that by entering into this stipulation and waiver  
12 Respondent will be stipulating that the Real Estate Commissioner  
13 has found that the Respondent has failed to make such a showing,  
14 thereby justifying the denial of the issuance to Respondent of  
15 an unrestricted real estate salesperson license.  
16

17 Respondent hereby admits the allegations of the Statement  
18 of Issues filed against Respondent are true and correct and  
19 requests that the Real Estate Commissioner in his discretion  
20 issue a restricted real estate salesperson license to Respondent  
21 under the authority of Section 10156.5 of the Business and  
22 Professions Code. Respondent understands that any such  
23 restricted license will be issued subject to and be limited by  
24 Section 10153.4 of the Business and Professions Code.

25 Respondent is aware that by signing this Stipulation and  
26 Waiver, Respondent is waiving Respondent's right to a hearing  
27 and the opportunity to present evidence at the hearing to

1 establish Respondent's rehabilitation in order to obtain an  
2 unrestricted real estate salesperson license if this Stipulation  
3 and Waiver is accepted by the Real Estate Commissioner.

4 However, Respondent is not waiving Respondent's right to a  
5 hearing and to further proceedings to obtain a restricted or  
6 unrestricted license if this Stipulation and Waiver is not  
7 accepted by the Commissioner.

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

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

- 18 a. The conviction of Respondent (including a plea of  
19 nolo contendere) to a crime which bears a  
20 substantial relationship to Respondent's fitness  
21 or capacity as a real estate licensee; or  
22 b. The receipt of evidence that Respondent has  
23 violated provisions of the California Real Estate  
24 Law, the Subdivided Lands Law, Regulations of the  
25 Real Estate Commissioner or conditions attaching  
26 to this restricted license.  
27

- 1 2. Respondent shall not be eligible to apply for the  
2 issuance of an unrestricted real estate license nor  
3 the removal of any of the conditions, limitations or  
4 restrictions attaching to the restricted license until  
5 two years have elapsed from the date of issuance of  
6 the restricted license to Respondent.
- 7 3. With the application for license, or with the  
8 application for transfer to a new employing broker,  
9 Respondent shall submit a statement signed by the  
10 prospective employing broker on a form approved by the  
11 Department of Real Estate wherein the employing broker  
12 shall certify as follows:
- 13 a. That broker has read the Statement of Issues,  
14 which is the basis for issuance of the  
15 restricted license; and
- 16 b. That broker will carefully review all  
17 transaction documents prepared by the  
18 restricted licensee and otherwise exercise  
19 close supervision over the licensee's  
20 performance of acts for which the license is  
21 required.
- 22 4. During the term of any restricted license, Respondent  
23 shall submit to the Department of Real Estate as of  
24 the last day of each March, June, September, and  
25 December, proof satisfactory to the Real Estate  
26 Commissioner of Respondent's ongoing participation in  
27

1 a recognized drug and alcohol diversion program. Said  
2 proof shall be submitted to the Crisis Response Team  
3 Manager of the Los Angeles Office of the Department of  
4 Real Estate and shall be verified as true and accurate  
5 by Respondent under penalty of perjury.

- 6 5. Respondent's restricted real estate salesperson  
7 license is issued subject to the requirements of  
8 Section 10153.4 of the Business and Professions Code,  
9 to wit: Respondent is required, within (18) months of  
10 the issuance of the restricted license, to submit  
11 evidence satisfactory to the Commissioner of  
12 successful completion, at an accredited institution,  
13 of a course in real estate practices and one of the  
14 courses listed in Section 10153.2, other than real  
15 estate principles, advanced legal aspects of real  
16 estate, advanced real estate finance, or advanced real  
17 estate appraisal. If Respondent fails to timely  
18 present to the Department satisfactory evidence of  
19 successful completion of the two required courses, the  
20 restricted license shall be automatically suspended  
21 effective eighteen (18) months after the date of its  
22 issuance. Said suspension shall not be lifted unless,  
23 prior to the expiration of the restricted license,  
24 Respondent has submitted the required evidence of  
25 course completion and the Commissioner has given  
26  
27

1 written notice to Respondent of the lifting of the  
2 suspension.

- 3 6. Pursuant to Section 10154, if Respondent has not  
4 satisfied the requirements for an unqualified license  
5 under Section 10153.4, Respondent shall not be  
6 entitled to renew the restricted license, and shall  
7 not be entitled to the issuance of another license  
8 which is subject to Section 10153.4 until four years  
9 after the date of the issuance of the preceding  
10 restricted license.

11 5/8/07

12 Dated

11 Cheryl D. Kelly

12 CHERYL D. KELLY, Counsel  
13 Department of Real Estate

14  
15 I have read the Stipulation and Waiver, have discussed it  
16 with my counsel, and its terms are understood by me and are  
17 agreeable and acceptable to me. I understand that I am waiving  
18 rights given to me by the California Administrative Procedure  
19 Act (including but not limited to Sections 11506, 11508, 11509,  
20 and 11513 of the Government Code), and I willingly,  
21 intelligently, and voluntarily waive those rights, including the  
22 right of a hearing on the Statement of Issues at which I would  
23 have the right to cross-examine witnesses against me and to  
24 present evidence in defense and mitigation of the charges.

25 Respondent can signify acceptance and approval of the terms  
26 and conditions of this Stipulation and Waiver by faxing a copy  
27

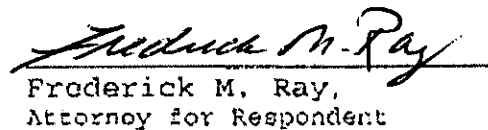
of the signature page, as actually signed by the Respondent, to the Department at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt of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

May 2, 2007  
Dated

  
SANH PHAM, Respondent

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

May 2, 2007  
Dated

  
Frederick M. Ray,  
Attorney for Respondent

\*\*\*

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver is 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.

1 of the signature page, as actually signed by the Respondent, to  
2 the Department at fax number (213) 576-6917. Respondent agrees,  
3 acknowledges and understands that by electronically sending to  
4 the Department a fax copy of his actual signature as it appears  
5 on the Stipulation and Waiver, that receipt of the faxed copy by  
6 the Department shall be as binding on Respondent as if the  
7 Department had received the original signed Stipulation and  
8 Waiver.

9  
10 \_\_\_\_\_  
11 Dated

\_\_\_\_\_  
SANH PHAM, Respondent

12 *I have reviewed the Stipulation and Waiver as to form and*  
13 *content and have advised my client accordingly.*  
14

15  
16 \_\_\_\_\_  
17 Dated

\_\_\_\_\_  
Frederick M. Ray,  
Attorney for Respondent

18 \*\*\*

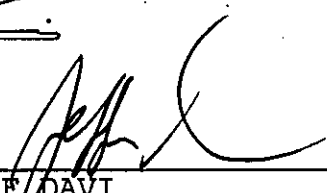
19 I have read the Statement of Issues filed herein and the  
20 foregoing Stipulation and Waiver is signed by Respondent. I am  
21 satisfied that the hearing for the purpose of requiring further  
22 proof as to the honesty and truthfulness of Respondent need not  
23 be called and that it will not be inimical to the public  
24 interest to issue a restricted real estate salesperson license  
25 to Respondent.  
26  
27

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

7 This Order is effective immediately.

8 IT IS SO ORDERED

6.5.07.

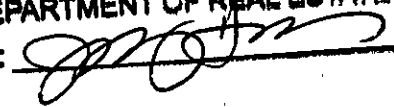
9  
10   
11 JEFF DAVI  
12 Real Estate Commissioner  
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non  
1 CHERYL D. KEILY, Counsel (SBN 94008)  
2 Department of Real Estate  
3 320 West 4th Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982  
6 (Direct) (213) 576-5770

**FILED**

FEB - 1 2007

DEPARTMENT OF REAL ESTATE  
BY: 

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of ) NO. H-33699 LA  
12 )  
13 SANH PHAM, )  
14 ) STATEMENT OF ISSUES  
15 Respondent. )

16 The Complainant, Joseph Aiu, a Deputy Real Estate  
17 Commissioner of the State of California, for cause of Statement  
18 of Issues against SANH PHAM, aka Sanh Van Pham, aka Sean Pham,  
19 ("Respondent"), is informed and alleges as follows:

20 1.

21 The Complainant, Joseph Aiu, a Deputy Real Estate  
22 Commissioner of the State of California, makes this Statement  
23 of Issues against Respondent in his official capacity.

24 ///

25 ///

26 ///

2.

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about May 16, 2005, with the knowledge and understanding that any license issued as a result of said application would be subject to the conditions of Business and Professions Code ("Code") Section 10153.4.

3.

(CRIMINAL CONVICTION)

On or about February 17, 1994, in the Consolidated Superior/Municipal Court of California, County of Riverside, in Case No. CR52649, Respondent was convicted of violating California Penal Code Section 459 (Burglary), a felony. The underlying facts of this criminal conviction involve moral turpitude, and bear 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 May 10, 2002, in the Superior Court of California, County of Los Angeles, in Case No. 2MT03379, Respondent was convicted of violating California Vehicle Code Section 23152(B) (Driving with 0.08% or More Blood Alcohol), a misdemeanor. The underlying facts of this criminal conviction involve moral turpitude, and bear a substantial relationship under Title 10, Chapter 6, Section 2910, California Code of Regulations, to the qualifications, functions or duties of a

1 real estate licensee.

2 5.

3 On or about January 23, 2003, in the Superior Court of  
4 California, County of Riverside, in Case No. RIM 424372,  
5 Respondent was convicted of violating California Vehicle Code  
6 Sections 23152(B) (Driving with 0.08% or More Blood Alcohol), a  
7 misdemeanor, and 14601.2(A) (Driving With Suspended License), a  
8 misdemeanor. The underlying facts of these criminal convictions  
9 involve moral turpitude, and bear a substantial relationship  
10 under Title 10, Chapter 6, Section 2910, California Code of  
11 Regulations, to the qualifications, functions or duties of a  
12 real estate licensee.

13 6.

14 In aggravation, on or about February 5, 2003, in the  
15 Superior Court of California, County of Riverside, in Case No.  
16 RIM 428961, Respondent was convicted of violating California  
17 Vehicle Code Section 14601.2(A) (Driving With a Suspended  
18 License), a misdemeanor.

19 7.

20 The crimes of which Respondent was convicted, as  
21 alleged herein above in Paragraphs 3, 4 and 5, constitute cause  
22 for denial of Respondent's application for a real estate license  
23 under Code Sections 475(a)(2); 480(a)(1) and/or 10177(b).

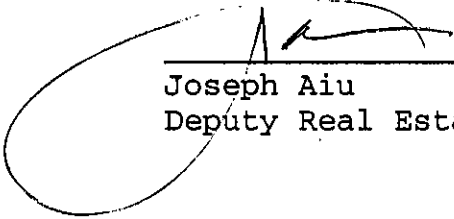
24 The Statement of Issues is brought under the  
25 provisions of Section 10100, Division 4 of the Business and  
26 Professions Code of the State of California and Sections 11500  
27

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, SANH PHAM, and for such other and further relief as may be proper under other provisions of law.

Dated at San Diego, California

this 30 day of January, 2007.

  
\_\_\_\_\_  
Joseph Aiu  
Deputy Real Estate Commissioner

Cc: SANH PHAM  
Tony Liem Choi  
Joseph Aiu  
Sacto.