

1 Department of Real Estate
320 West 4th Street, Ste. 350
2 Los Angeles, California 90013-1105
Telephone: (213) 576-6982 (office)

FILED

JUN 15 2009

DEPARTMENT OF REAL ESTATE

BY: H. H. H.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H-35167 LA

TEAM ONE ENTERPRISES INC., a
California corporation; and,
ALEXANDER NGOC NGO, individually
doing business as Green Capital
Mortgage and Midway Investment
Real Estate and as designated
officer of Team One Enterprises
Inc.,

STIPULATION
AND
AGREEMENT

Respondents.

It is hereby stipulated by and between Respondents
TEAM ONE ENTERPRISES INC., and ALEXANDER NGOC NGO, individually
and as designated officer of Team One Enterprises Inc. (sometimes
collectively referred to as "Respondents"), 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 of the Accusation ("Accusation") filed on July 28,
2008, in this matter:

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

1 at a formal hearing on the Accusation, which hearing was to be
2 held in accordance with the provisions of the Administrative
3 Procedure Act ("APA"), shall instead and in place thereof be
4 submitted solely on the basis of the provisions of this
5 Stipulation and Agreement ("Stipulation").

6 2. Respondents have received, read and understand the
7 Statement to Respondent, the Discovery Provisions of the APA and
8 the Accusation filed by the Department of Real Estate in this
9 proceeding.

10 3. Respondents timely filed a Notice of Defense
11 pursuant to Section 11506 of the Government Code for the purpose
12 of requesting a hearing on the allegations in the Accusation.
13 Respondents hereby freely and voluntarily withdraw said Notice of
14 Defense. Respondents acknowledge that they understand that by
15 withdrawing said Notice of Defense they thereby waive their right
16 to require the Commissioner to prove the allegations in the
17 Accusation at a contested hearing held in accordance with the
18 provisions of the APA and that they will waive other rights
19 afforded to them in connection with the hearing such as the right
20 to present evidence in their defense and the right to cross-
21 examine witnesses.
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23 4. This Stipulation is based on the factual
24 allegations contained in the Accusation. In the interest of
25 expedience and economy, Respondents choose not to contest these
26 allegations, but to remain silent and understand that, as a
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1 result thereof, these factual allegations, without being admitted
2 or denied, will serve as a prima facie basis for the disciplinary
3 action stipulated to herein. The Real Estate Commissioner shall
4 not be required to provide further evidence to prove said factual
5 allegations.

6 5. This Stipulation is made for the purpose of
7 reaching an agreed disposition of this proceeding and is
8 expressly limited to this proceeding and any other proceeding or
9 case in which the Department of Real Estate ("Department"), the
10 state or federal government, or any agency of this state, another
11 state or federal government is involved.

12 6. It is understood by the parties that the Real
13 Estate Commissioner may adopt this Stipulation as his Decision in
14 this matter thereby imposing the penalty and sanctions on
15 Respondents' real estate licenses and license rights as set forth
16 in the "Order" herein below. In the event that the Commissioner
17 in his discretion does not adopt the Stipulation, it shall be
18 void and of no effect and Respondents shall retain the right to a
19 hearing and proceeding on the Accusation under the provisions of
20 the APA and shall not be bound by any stipulation or waiver made
21 herein.
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23 7. The Order or any subsequent Order of the Real
24 Estate Commissioner made pursuant to this Stipulation shall not
25 constitute an estoppel, merger or bar to any further
26 administrative or civil proceedings by the Department of Real
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1 Estate with respect to any matters which were not specifically
2 alleged to be causes for Accusation in this proceeding but do
3 constitute a bar, estoppel and merger as to any allegations
4 actually contained in the Accusations against Respondent herein.

5 DETERMINATION OF ISSUES

6 By reason of the foregoing, it is stipulated and agreed
7 that the following determination of issues shall be made:

8 I.

9 The conduct, acts or omissions of TEAM ONE ENTERPRISES
10 INC. and ALEXANDER NGOC NGO, as described in Paragraph 4, above,
11 are in violation of Section 10161.8 of the Business and
12 Professions Code ("Code") and Sections 2715, 2725, 2742(c) and
13 2752 of Title 10, Chapter 6 of the California Code of Regulations
14 ("Regulations") and is a basis for discipline of Respondents'
15 license and license rights as violation of the Real Estate Law
16 pursuant to Code Sections 10177(d) and 10177(g).

17 II.

18 The conduct, acts or omissions of ALEXANDER NGOC NGO,
19 as described in Paragraph 4, above, constitutes a failure to keep
20 Team One Enterprises Inc. in compliance with the Real Estate Law
21 during the time that he was the officer designated by a corporate
22 broker licensee in violation of Section 10159.2 of the Code.
23 This conduct is a basis for the suspension or revocation of
24 Respondent's license pursuant to Code Section 10177(h).
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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I.

All license and licensing rights of Respondent TEAM ONE ENTERPRISES INC. are revoked.

II.

All licenses and licensing rights of Respondent ALEXANDER NGOC NGO under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision.

A. Provided, however, that if Respondent requests, the initial thirty (30) days of said suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of \$50.00 per day for each day of the suspension for a total monetary penalty of \$1,500.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Recovery Account of the Real Estate Fund. Said check must be received by the Department prior to the effective date of the Decision in this matter.

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

1 4. If Respondent fails to pay the monetary penalty in
2 accordance with the terms of the Decision, the Commissioner may,
3 without a hearing, order the immediate execution of all or any
4 part of the stayed suspension, in which event the Respondent
5 shall not be entitled to any repayment nor credit, prorated or
6 otherwise, for money paid to the Department under the terms of
7 this Decision.

8 5. If Respondent pays the monetary penalty and if no
9 further cause for disciplinary action against the real estate
10 license of Respondent occurs within two (2) years from the
11 effective date of the Decision, the stay hereby granted shall
12 become permanent.

13 B. The remaining thirty (30) days of the sixty (60)
14 day suspension shall be stayed for two (2) years upon the
15 following terms and conditions:

16 1. Respondent shall obey all laws, rules and
17 regulations governing the rights, duties and responsibilities of
18 a real estate licensee in the State of California; and

19 2. That no final subsequent determination be made
20 after hearing or upon stipulation, that cause for disciplinary
21 action occurred within two (2) years of the effective date of
22 this Decision. Should such a determination be made, the
23 Commissioner may, in his discretion, vacate and set aside the
24 stay order and reimpose all or a portion of the stayed
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1 suspension. Should no such determination be made, the stay
2 imposed herein shall become permanent.
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4 DATED: 8-25-08

EJL
5 ELLIOTT MAC LENNAN, Counsel for
6 the Department of Real Estate

7 * * *

8 EXECUTION OF THE STIPULATION

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

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MAILING AND FACSIMILE

1 Respondents (1) shall mail the original signed
2 signature page of the stipulation herein to Elliott Mac Lennan:
3 Attention: Legal Section, Department of Real Estate, 320 W.
4 Fourth St., Suite 350, Los Angeles, California 90013-1105.
5 Additionally, Respondents shall also (2) facsimile a copy of
6 signed signature page, to the Department at the following
7 telephone/fax number: (213) 576-6917, Attention: Elliott Mac
8 Lennan.
9

10 A facsimile constitutes acceptance and approval of the
11 terms and conditions of this stipulation. Respondents agree,
12 acknowledge and understand that by electronically sending to the
13 Department a facsimile copy of Respondents' actual signature as
14 it appears on the stipulation that receipt of the facsimile copy
15 by the Department shall be as binding on Respondents as if the
16 Department had received the original signed stipulation.
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20 DATED: JAN 12, 2009

NGab
TEAM ONE ENTERPRISES INC., a
corporate real estate broker,
BY: ALEXANDER NGOC NGO D.O.,
Respondent

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25 DATED: JAN 12, 2009

NGab
ALEXANDER NGOC NGO, individually
and as designated officer of Team
One Enterprises Inc., Respondent

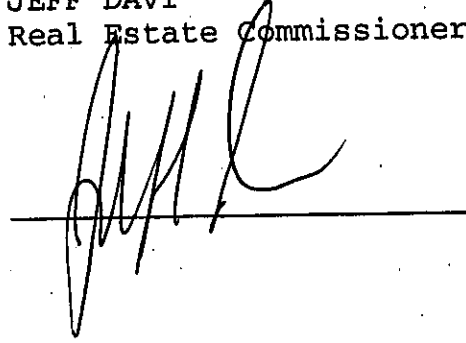
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1 The foregoing Stipulation and Agreement is hereby
2 adopted as my Decision as to Respondents TEAM ONE ENTERPRISES
3 INC. and ALEXANDER NGOC NGO, individually and as designated
4 officer of Team One Enterprises Inc., and shall become effective
5 at 12 o'clock noon on _____ July 6 _____, 2009.

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7 IT IS SO ORDERED 5/19/, 2009.

8 JEFF DAVI
9 Real Estate Commissioner

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A handwritten signature, likely of Jeff Davi, is written over a horizontal line. The signature is stylized and cursive.

ELLIOTT MAC LENNAN, (CSB#066674)
Department of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

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

FILED

JUL 28 2008

DEPARTMENT OF REAL ESTATE

BY: *DeLy*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

No. H- 35167 LA

TEAM ONE ENTERPRISES INC.,
a California corporation; and
ALEXANDER NGOC NGO, individually
doing business as Green Capital
Mortgage and Midway Investment
Real Estate, and as designated
officer of Team One Enterprises
Inc.,

A C C U S A T I O N

Respondents.

The Complainant, Robin Trujillo, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against TEAM ONE ENTERPRISES INC. and ALEXANDER NGOC NGO,
individually and as designated officer of Team One Enterprises
Inc., alleges as follows:

1.

The Complainant, Robin Trujillo, acting in her official
capacity as a Deputy Real Estate Commissioner of the State of

1 California, makes this Accusation against TEAM ONE ENTERPRISES
2 INC. and ALEXANDER NGOC NGO.

3 2.

4 All references to the "Code" are to the California
5 Business and Professions Code and all references to "Regulations"
6 are to Title 10, Chapter 6, California Code of Regulations.

7 LICENSE HISTORY

8 3.

9 A. At all times mentioned, TEAM ONE ENTERPRISES INC.
10 ("TEAM ONE") and ALEXANDER NGOC NGO ("NGO") were licensed or had
11 license rights issued by the Department of Real Estate
12 ("Department") as real estate brokers.

13 B. At all times mentioned, TEAM ONE was licensed by
14 the Department as a corporate real estate broker by and through
15 NGO, as the designated officer and broker responsible, pursuant
16 to Code Section 10159.2 for supervising the activities requiring
17 a real estate license conducted on behalf of TEAM ONE by TEAM
18 ONE's officers, agents and employees, including NGO. TEAM ONE
19 was originally licensed on September 30, 2006, and became non
20 broker affiliated on April 25, 2008 by the cancellation of NGO as
21 designated officer.
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23 C. At all times mentioned, ALEXANDER NGOC NGO was
24 licensed or had license rights issued by the Department as a real
25 estate broker. On October 29, 1988, NGO was originally licensed
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1 as a real estate broker. On September 30, 2006, NGO was licensed
2 as the designated officer of TEAM ONE until April 25, 2008.

3 BROKERAGE

4 TEAM ONE ENTERPRISES INC.

5 4.

6 At all times mentioned, in the City of Fountain Valley
7 and County of Orange, TEAM ONE and NGO conducted licensed
8 activities within the meaning of Code Section 10131(a) whereby
9 they engaged in the business of, acted in the capacity of,
10 advertised or assumed to act as real estate brokers, including
11 the solicitation for listings of and the negotiation of the sale
12 of real property as the agent of others, by operating a
13 residential resale brokerage.

14 TEAM ONE ENTERPRISES INC.

15 AUDIT

16 5.

17 On May 27, 2008, the Department completed an audit
18 examination of the books and records of TEAM ONE pertaining to
19 the residential resale activities described in Paragraph 4, that
20 require a real estate license. The audit examination covered a
21 period of time beginning on September 30, 2006 to March 31, 2008.
22 The audit examination revealed violations of the Code and the
23 Regulations as set forth in the following paragraphs, and more
24 fully discussed in Audit Report LA 070158 and the exhibits and
25 workpapers attached to said audit report.
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TRUST ACCOUNT

6.

During the audit period TEAM ONE did not maintain any trust accounts.

TEAM ONE ENTERPRISES INC.

VIOLATIONS OF THE REAL ESTATE LAW

7.

In the course of activities described in Paragraph 6, above, and during the examination period described in Paragraph 5, Respondents TEAM ONE and NGO acted in violation of the Code and the Regulations in that they:

(a) On or about August 31, 2007, TEAM ONE's corporate status was suspended by the California Franchise Tax Board, yet TEAM ONE continued to conduct operations to date, in violation of Code Section 10177(f) and Regulation 2742(c).

(b) Misrepresented to sellers Urena, Rai, Varela, Holm and Beadle that TEAM ONE held earnest money deposits for the sales of their real properties, in violation of Section 10176(a).

(c) Failed to notify the Department of the termination of salespersons, Peggy Aldinger, Jacqueline De Vries and Bernadette Rueda, as required by Code Section 10161.8 and Regulation 2752.

(d) Failed to timely notify the Department of a change of TEAM ONE's main office location, as required by Regulation 2715; and,

1 (e) NGO failed to exercise adequate supervision over
2 the real estate resale activities of TEAM ONE requiring a real
3 estate license in order to ensure compliance the Real Estate Laws
4 and Regulations and had no system in place for regularly
5 monitoring compliance with the Real Estate Law, in violation of
6 Code Sections 10159.2, 10177(h) and Regulation 2725.

7 DISCIPLINE STATUTES AND REGULATONS

8 8.

9 The conduct of Respondents TEAM ONE and NGO, described
10 in Paragraph 7, above, violated the Code and the Regulations as
11 set forth below:

12 PARAGRAPH

PROVISIONS VIOLATED

13 7(a)

Code Section 10177(f) and 2742(c)

14
15 7(b)

Code Section 10176(a)

16
17
18 7(c)

Code Section 10161.8 and Regulation
19 2752

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21 7(d)

Regulation 2715

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23 7(e)

Code Section 10159.2 and 10177(h)
24 and Regulation 2725
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1 The foregoing violations constitute cause for the suspension or
2 revocation of the real estate license and license rights of TEAM
3 ONE and NGO, under the provisions of Code Sections 10176(a),
4 10177(d), 10177(f) and/or 10177(g).

5 NEGLIGENCE

6 9.

7 The overall conduct of Respondents TEAM ONE and NGO
8 constitutes negligence. This conduct and violation are cause for
9 the suspension or revocation of the real estate license and
10 license rights of said Respondents pursuant to Code Sections
11 10177(d) and/or 10177(g).

12 SUPERVISION AND COMPLIANCE

13 10.

14 The overall conduct of Respondent NGO constitutes a
15 failure on Respondent's part, as officer designated by a
16 corporate broker licensee, to exercise the reasonable supervision
17 and control over the licensed activities of TEAM ONE as required
18 by Code Section 10159.2, and to keep TEAM ONE in compliance with
19 the Real Estate Law, and is cause for the suspension or
20 revocation of the real estate license and license rights of NGO
21 pursuant to the provisions of Code Sections 10177(d), 10177(g)
22 and 10177(h).

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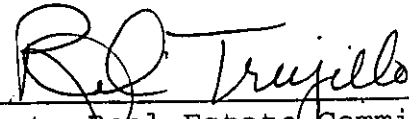
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against the license and license rights of Respondents TEAM
5 ONE ENTERPRISES INC. and ALEXANDER NGOC NGO, individually and as
6 designated officer of Team One Enterprises Inc., under the Real
7 Estate Law (Part 1 of Division 4 of the Business and Professions
8 Code) and for such other and further relief as may be proper
9 under other applicable provisions of law.

10 Dated at Los Angeles, California

11 this 24 day of July 2008.


12 Deputy Real Estate Commissioner

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25 cc: Team One Enterprises Inc.
26 c/o Alexander Ngoc Ngo D.O.
27 Robin Trujillo
Sacto
Audits - Dorcas Cheng