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

(213)576-6982

FILED

JUL 12 2010

DEPARTMENT OF REAL ESTATE

BY: 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-36661 LA
)	
THANH NGOC DANG,)	<u>STIPULATION AND AGREEMENT</u>
)	
Respondent.)	
)	

It is hereby stipulated by and between THANH NGOC DANG ("Respondent") and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on or about June 2, 2010 in this matter:

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

2. Respondent has received, read and understands the

1 Statement to Respondent, the Discovery Provisions of the APA and
2 the Accusation filed by the Department of Real Estate in this
3 proceeding.

4 3. Respondent did not file a Notice of Defense
5 pursuant to Section 11506 of the Government Code for the purpose
6 of requesting a hearing on the allegations in the Accusation.
7 Respondent acknowledges that she understands that by not filing
8 said Notice of Defense she will thereby waive her 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 she will waive other rights
12 afforded to her 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, hereby admits that the factual allegations (or findings
17 of fact as set forth below) in Paragraphs 2, and 3, of the
18 Accusation filed in this proceeding are true and correct and the
19 Real Estate Commissioner shall not be required to provide
20 further evidence of such allegations.

21 5. It is understood by the parties that the Real
22 Estate Commissioner may adopt the Stipulation and Agreement as
23 his Decision in this matter, thereby imposing the penalty and
24 sanctions on Respondent's real estate license and license rights
25 as set forth in the below "Order". In the event that the
26 Commissioner in his/her discretion does not adopt the

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1 Stipulation and Agreement, it shall be void and of no effect,
 2 and Respondent shall retain the right to a hearing and
 3 proceeding on the Accusation under all the provisions of the APA
 4 and shall not be bound by any admission or waiver made herein.

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

12 DETERMINATION OF ISSUES

13 By reason of the foregoing stipulations, admissions
 14 and waivers and solely for the purpose of settlement of the
 15 pending Accusation without a hearing, it is stipulated and
 16 agreed that the following determination of issues shall be made:

17 The conduct of Respondent, as described in the
 18 Accusation is grounds for the suspension or revocation of all of
 19 the real estate licenses and license rights of Respondent under
 20 the provision of Sections 490 and 10177(b) of the California
 21 Business and Professions Code.

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1 ORDER

2 All licenses and licensing rights of Respondent THANH
3 NGOC DANG under the Real Estate Law are revoked; provided,
4 however, a restricted real estate salesperson license shall be
5 issued to Respondent pursuant to Section 10156.5 of the Business
6 and Professions Code if Respondent makes application therefor
7 and pays to the Department of Real Estate the appropriate fee
8 for the restricted license within 90 days from the effective
9 date of this Decision. The restricted license issued to
10 Respondent shall be subject to all of the provisions of Section
11 10156.7 of the Business and Professions Code and to the
12 following limitations, conditions and restrictions imposed under
13 authority of Section 10156.6 of that Code:

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

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

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

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

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

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

16 5. Respondent shall, within nine months from the
17 effective date of this Decision, present evidence satisfactory
18 to the Real Estate Commissioner that Respondent has, since the
19 most recent issuance of an original or renewal real estate
20 license, taken and successfully completed the continuing
21 education requirements of Article 2.5 of Chapter 3 of the Real
22 Estate Law for renewal of a real estate license. If Respondent
23 fails to satisfy this condition, the Commissioner may order the
24 suspension of the restricted license until the Respondent
25 presents such evidence. The Commissioner shall afford

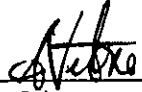
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1 Respondent the opportunity for a hearing pursuant to the
2 Administrative Procedure Act to present such evidence.

3 6. Respondent shall notify the Commissioner in
4 writing within 72 hours of any arrest by sending a certified
5 letter to the Commissioner at Department of Real Estate, Post
6 Office Box 187000, Sacramento, CA 95818-7000. The letter shall
7 set forth the date of Respondent's arrest, the crime for which
8 Respondent was arrested, and the name and address of the
9 arresting law enforcement agency. Respondent's failure to
10 timely file written notice shall constitute an independent
11 violation of the terms of the restricted license and shall be
12 grounds for the suspension or revocation of that license.

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14 DATED: _____

6/9/10



Amelia V. Vetrone
Counsel for the
Department of Real Estate

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18 I have read the Stipulation and Agreement, and its
19 terms are understood by me and are agreeable and acceptable to
20 me. I understand that I am waiving rights given to me by the
21 California Administrative Procedure Act (including but not
22 limited to Sections 11506, 11508, 11509 and 11513 of the
23 Government Code), and I willingly, intelligently and voluntarily
24 waive those rights, including the right of requiring the
25 Commissioner to prove the allegations in the Accusation at a
26 hearing at which I would have the right to cross-examine
27 witnesses against me and to present evidence in defense and

1 mitigation of the charges.

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

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DATED:

6/10/10



THANH NGOC DANG
Respondent

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The foregoing Stipulation and Agreement is hereby

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adopted as my Decision in this matter, and shall become

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effective at 12 o'clock noon on August 2, 2010

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IT IS SO ORDERED

7-8-2010

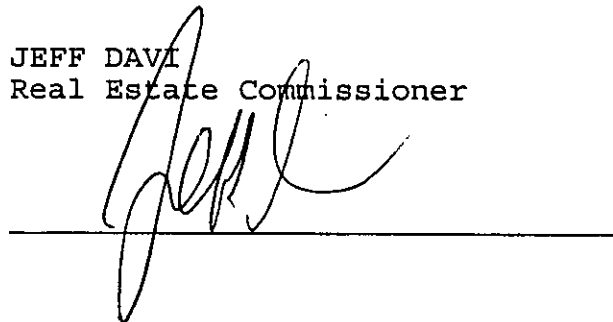
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JEFF DAVIS
Real Estate Commissioner

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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 all the licenses and license rights of
5 Respondent, THANH NGOC DANG, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

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10 Dated at Los Angeles, California: May 13, 2010.

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14 Robin Trujillo
15 Deputy Real Estate Commissioner
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25 cc: THANH NGOC DANG
26 Shore Capital Corporation
27 Robin Trujillo
Sacto.