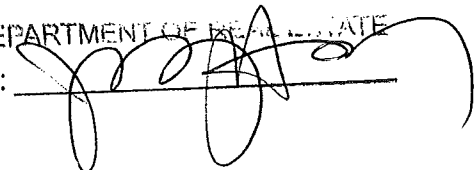


1 Department of Real Estate
2 320 West Fourth Street, #350
3 Los Angeles, California 90013

FILED

SEP 17 2012

4 (213) 576-6982

5 DEPARTMENT OF REAL ESTATE
6 BY: 

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	NO. H-37624 LA
12 TOM QUANG NGO,)	OAH No. 2011120974
13 Respondent.)	
14)	<u>STIPULATION AND AGREEMENT</u>

15
16 It is hereby stipulated by and between
17 TOM QUANG NGO (hereinafter "Respondent") and his attorney, Frank
18 M. Buda, and the Complainant, acting by and through Julie L. To,
19 Counsel for the Department of Real Estate, as follows for the
20 purpose of settling and disposing of the Accusation filed on
21 October 26, 2011, in this matter:

22
23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

4 2. Respondent has received, read and understands the
5 Statement to Respondent, the Discovery Provisions of the APA and
6 the Accusation filed by the Department of Real Estate in this
7 proceeding.

8 3. On November 3, 2011, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that he will waive
17 other rights afforded to him in connection with the hearing such
18 as the right to present evidence in defense of the allegations
19 in the Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations of the
22 Accusation filed in this proceeding are true and correct and the
23 Real Estate Commissioner shall not be required to provide
24 further evidence of such allegations.

25
26 5. It is understood by the parties that the Real
27

ORDER

1
2 WHEREFORE, THE FOLLOWING ORDER is hereby made:

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

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

21 2. The restricted license issued to Respondent may be
22 suspended prior to hearing by Order of the Real Estate
23 Commissioner on evidence satisfactory to the Commissioner that
24 Respondent has violated provisions of the California Real Estate
25 Law, the Subdivided Lands Law, Regulations of the Real Estate
26
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1 Commissioner, or conditions attaching to this restricted
2 license.

3 3. Respondent shall not be eligible to apply for the
4 issuance of an unrestricted real estate license nor for the
5 removal of any of the conditions, limitations or restrictions
6 of a restricted license until two (2) years have elapsed from
7 the date of issuance of the restricted license to Respondent.

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

20 5. Respondent shall notify the Commissioner in
21 writing within 72 hours of any arrest by sending a certified
22 letter to the Commissioner at the Department of Real Estate,
23 Post Office Box 187000, Sacramento, CA 95818-7000. The letter
24 shall set forth the date of Respondent's arrest, the crime for
25 which Respondent was arrested and the name and address of the
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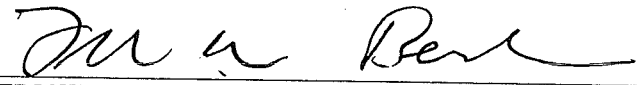
1 faxed copy by the Department shall be as binding on Respondent
2 as if the Department had received the original signed
3 Stipulation and Agreement.

4
5 DATED: 7/27/2012


TOM QUANG NGO, Respondent

6
7 I have reviewed the Stipulation and Agreement as to
8 form and content and have advised my client accordingly.

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10 DATED: 7-31-12


FRANK M. BUDA, Attorney for Respondent

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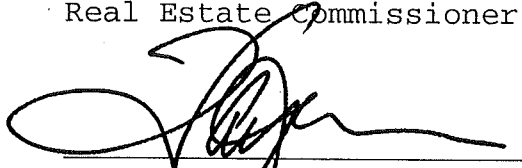
* * *

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2 The foregoing Stipulation and Agreement is hereby
3 adopted as my Decision in this matter and shall become effective
4 at 12 o'clock noon on OCT 08 2012

5 IT IS SO ORDERED

9/4/2012

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7 Real Estate Commissioner

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10 By WAYNE S. BELL
11 Chief Counsel

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