

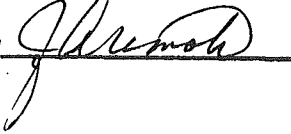
Bureau of Real Estate
320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982

FILED

MAY 07 2014

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

CHI HAU & ANH HAU INC.;
doing business as 10Days Funding, and
Today Investments & Real Estate; and
KEVIN TRAN TERRY, individually
and as former designated officer of
Chi Hau & Anh Hau Inc.,
Respondent,

No. H-38470 LA
L-2013090119

STIPULATION
AND
AGREEMENT

It is hereby stipulated by and between Respondent KEVIN TRAN TERRY,
(sometimes referred to as "Respondent,") represented by Daniel Carlton, Esq., and the
Complainant, acting by and through Elliott Mac Lennan, Counsel for the Bureau of Real Estate,
as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on
October 12, 2012, 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,")

1 shall instead and in place thereof be submitted solely on the basis of the provisions of this
2 Stipulation and Agreement ("Stipulation.")

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

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

15 4. This Stipulation is based on the factual allegations contained in the Accusation.
16 In the interest of expedience and economy, Respondent chooses not to contest these allegations,
17 but to remain silent and understands that, as a result thereof, these factual allegations, without
18 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
19 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
20 said factual allegations.
21

22 5. This Stipulation is made for the purpose of reaching an agreed disposition of
23 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
24 which the Bureau of Real Estate ("Bureau,) the state or federal government, or any agency of this
25 state, another state or federal government is involved, and otherwise shall not be admissible in
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1 any other criminal or civil proceedings.

2 6. It is understood by the parties that the Real Estate Commissioner may adopt
3 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
4 Respondent's real estate license and license rights as set forth in the "Order" herein below. In the
5 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void and
6 of no effect and Respondent shall retain the right to a hearing and proceeding on the Accusation
7 under the provisions of the APA and shall not be bound by any stipulation or waiver made
8 herein.
9

10 7. The Order or any subsequent Order of the Real Estate Commissioner made
11 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
12 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
13 which were not specifically alleged to be causes for Accusation in this proceeding but do
14 constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations
15 against Respondent herein.
16

17 8. Respondent understands that by agreeing to this Stipulation, Respondent agrees
18 to pay, pursuant to Business and Professions Code Section 10148, the cost of the original audit is
19 \$3,159.26.
20

21 9. Respondent understands that by agreeing to this Stipulation, Respondent agrees
22 to pay, pursuant to Business and Professions Code Section 10106, the cost of the investigation
23 and enforcement of this matter. The amount of said cost is \$378.08.
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1 DETERMINATION OF ISSUES

2 I.

3 By reason of the foregoing, it is stipulated and agreed that the following
4 determination of issues shall be made:
5

6 The conduct, acts and omissions of Respondent KEVIN TRAN TERRY, as
7 described in Paragraph 4, above, are in violation of Sections 10145, 10140.6 and 10240 of the
8 Business and Professions Code ("Code") and Sections 2773, 2832.1, 2831, 2831.1, 2831.2,
9 2835(b) and 2950(d) of Title 10, Chapter 6 of the California Code of Regulations
10 ("Regulations") and is a basis for the suspension or revocation of Respondent's license and
11 license rights as a violation of the Real Estate Law pursuant to Code Sections 10177(d),
12 10177(g) and 10177(h) and are a basis for discipline of Respondent's license and license rights
13 as violation of the Real Estate Law pursuant to said section.
14

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:
17

18 I.

19 All licenses and licensing rights of Respondent KEVIN TRAN TERRY under the
20 Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be
21 issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if
22 Respondent:

23 (A) Makes application thereof and pays to the Bureau of Real Estate the
24 appropriate fee for the restricted license within ninety (90) days from the effective date of this
25 Decision.
26

27 (B) Respondent shall, prior to and as a condition of the issuance of the restricted

1 license, submit proof satisfactory to the Commissioner of having taken and successfully
2 completed the continuing education course on trust fund accounting and handling specified in
3 paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions Code. Proof
4 of satisfaction of this requirement includes evidence that Respondent has successfully completed
5 the trust fund account and handling continuing education course within 120 days prior to the
6 effective date of the Decision in this matter.

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

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

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

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

24 4. Respondent shall within six (6) months from the effective date of the restricted
25 license, take and pass the Professional Responsibility Examination administered by the Bureau
26 including the payment of the appropriate examination fee. If Respondent fails to satisfy this
27 condition, the Commissioner may order suspension of the restricted license until Respondent

passes the examination.

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

II.

Pursuant to Section 10148 of the Business and Professions Code Respondent

KEVIN TRAN TERRY shall pay the Commissioner's reasonable cost for (a) the original audit only which led to this disciplinary action. The cost of the audit which led to this disciplinary action is \$3,159.26. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work.

Respondent KEVIN TRAN TERRY shall pay such cost within 60 days of
receiving an invoice from the Commissioner detailing the activities performed during the audit
and the amount of time spent performing those activities.

The Commissioner may suspend the license of said Respondents pending a
hearing held in accordance with Section 11500, et seq., of the Government Code, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between said Respondents and the Commissioner. The suspension shall remain in effect until payment is made in full or until a Respondent enters into an agreement satisfactory to the Commissioner to provide for payment, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

1 III.

2 Pursuant to Section 10106 of the Business and Professions Code, Respondent
3 shall pay the Commissioner's reasonable cost for investigation and enforcement of the matter
4 within sixty (60) days after the effective date of this Decision. The investigation and
5 enforcement cost which led to this disciplinary action is \$378.08.

6 The Commissioner may suspend the license of Respondent pending a hearing held
7 in accordance with Section 11500, et seq., of the Government Code, if payment is not timely
8 made as provided for herein, or as provided for in a subsequent agreement between the
9 Respondent and the Commissioner. The suspension shall remain in effect until payment is made
10 in full or until Respondent enters into an agreement satisfactory to the Commissioner to provide
11 for payment, or until a decision providing otherwise is adopted following a hearing held pursuant
12 to this condition.

13 IV.

14 Prior to the effective of the Decision herein, Respondent shall first provide
15 evidence satisfactory to the Commissioner that the trust fund deficit set forth in the Accusation in
16 the amount of \$13,295 has been restored, including the identification of the source of funds used
17 to cure the deficit. If Respondent fails to satisfy this condition, all licenses and licensing rights of
18 Respondent shall be indefinitely suspended, unless or until such proof is provided.

19 V.

20 Prior to the effective date of the Decision in this matter, Respondents shall
21 provide evidence satisfactory to the Real Estate Commissioner that Respondent has made
22 restitution to Kuldip Hundal in the amount of \$3,167.47.
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1 VI.

2 During the time Respondent is licensed as a restricted real estate broker,
3 Respondent shall not serve as the designated broker at any corporate real estate broker unless
4 and until Respondent is the owner of record of all of the controlling shares of the corporation.

5 VII.

6 All proof required by this Order, shall be sent to the attention of Elliott Mac
7 Lennan, Counsel, Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los
8 Angeles, California 90013-1105.

9
10
11 DATED: 3-16-84

EJL
ELLIOTT MAC LENNAN,
Counsel for Bureau of Real Estate

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14 EXECUTION OF THE STIPULATION

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

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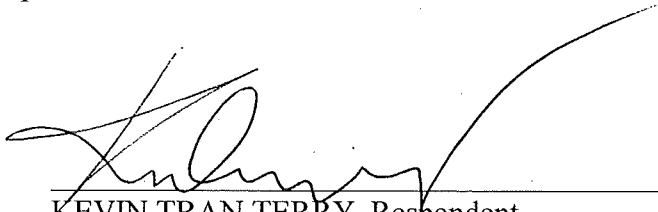
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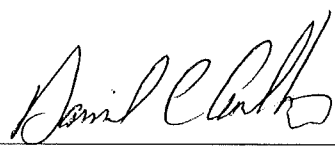
Respondent (1) shall mail the original signed signature page of the stipulation herein to Elliott Mac Lennan: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. Additionally, Respondent (2) shall also facsimile a copy of signed signature page, to the Bureau at the following fax number: (213) 576-6917, Attention: Elliott Mac Lennan.

A facsimile constitutes acceptance and approval of the terms and conditions of this stipulation. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a facsimile copy of Respondent's actual signature as it appears on the stipulation that receipt of the facsimile copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed stipulation.

DATED: 1/16/14


KEVIN TRAN TERRY, Respondent

DATED: 1/16/14


DANIEL CARLTON, ESQ.
Attorney for Respondent

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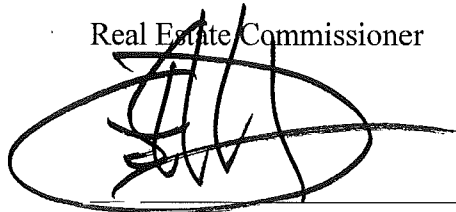
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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent KEVIN TRAN TERRY and shall become effective at 12 o'clock noon on
MAY 28 2014, 2014.

IT IS SO ORDERED APR 25 2014

Real Estate Commissioner

A handwritten signature in black ink, appearing to read 'JEFFREY MASON', is written over a horizontal line. The signature is stylized with large, sweeping loops.

JEFFREY MASON
Chief Deputy Commissioner