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FILED

DEC 13 2016

BUREAU OF REAL ESTATE

By *Adelou*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of) No. H-40254 LA
)
D & P HOLDINGS INC, doing business)
as DK Realty & Mortgage, and)
DANNY BANH, individually and)
as former designated officer of)
D & P Holdings Inc,)
)
Respondents.) STIPULATION AND AGREEMENT
)

It is hereby stipulated by and between Respondent DANNY BANH
("Respondent"), individually and as former designated officer of D & P Holdings Inc, and the
Complainant, acting by and through Steve Chu, Counsel for the Bureau of Real Estate
("Bureau"), as follows for the purpose of settling and disposing of the Accusation filed on
May 17, 2016, 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 ("Stipulation").

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

4 3. On June 21, 2016, Respondent filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
7 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
8 Defense he will thereby waive his right to require the Real Estate Commissioner
9 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
10 accordance with the provisions of the APA and that he will waive other rights afforded to him
11 in connection with the hearing such as the right to present evidence in defense of the allegations
12 in the Accusation and the right to cross-examine witnesses.

13 4. Respondent, pursuant to the limitations set forth below, hereby admits
14 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
15 Commissioner shall not be required to provide further evidence to prove such allegations.

16 5. It is understood by the parties that the Real Estate Commissioner may
17 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions
18 on Respondent's real estate license and license rights as set forth in the below Order. In the
19 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
20 and of no effect, and Respondent shall retain the right to a hearing and proceeding on the
21 Accusation under all the provisions of the APA and shall not be bound by any admission or
22 waiver made herein.

23 6. The Order or any subsequent Order of the Commissioner made pursuant
24 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
25 civil proceedings by the Bureau with respect to any matters which were not specifically alleged
26 to be causes for the Accusation in this proceeding.

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

5 4. Respondent shall, within nine (9) months from the effective date of this
6 Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,
7 since the most recent issuance of an original or renewal real estate license, taken and
8 successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the
9 Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this
10 condition, Respondent's real estate license shall automatically be suspended until Respondent
11 presents evidence satisfactory to the Commissioner of having taken and successfully completed
12 the continuing education requirements. Proof of completion of the continuing education
13 courses must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013,
14 Sacramento, CA 95813-7013.

15 5. Respondent shall notify the Commissioner in writing within 72 hours of
16 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate,
17 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the
18 date of Respondent's arrest, the crime for which Respondent was arrested and the name and
19 address of the arresting law enforcement agency. Respondent's failure to timely file written
20 notice shall constitute an independent violation of the terms of the restricted license and shall
21 be grounds for the suspension or revocation of that license.

22
23 DATED: 10-26-2016



Steve Chu, Counsel
Bureau of Real Estate

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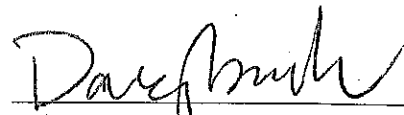
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I have read the Stipulation and Agreement. I understand that I am waiving rights given to me by the California Administrative Procedure Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

I agree, acknowledge, and understand that I cannot rescind or amend this Stipulation and Agreement.

I can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Bureau of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105.

DATED: 10/08/2016


DANNY BANH
Respondent

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The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent DANNY BANH, and shall become effective at
12 o'clock noon on JAN - 2 2017.

IT IS SO ORDERED 12/7/16

WAYNE S. BELL
REAL ESTATE COMMISSIONER



By: DANIEL J. SANDRI
Chief Deputy Commissioner