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FILED

JUL 07 2017

BUREAU OF REAL ESTATE

By John Gunt

7 BEFORE THE BUREAU OF REAL ESTATE
8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) No. H-40694 LA
11)
12 TOM NGUYEN,) ACCUSATION
13)
Respondent.)
14)

15 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
16 of California, for cause of Accusation against TOM NGUYEN, a.k.a. Toan Quyen Nguyen or
17 Toan Q. Nguyen or Nguyen Quyen Toan or Tom Q. Nguyen or Toan Quyen ("Respondent")
18 alleges as follows:

19 1.

20 The Complainant, Maria Suarez, a Supervising Special Investigator of the State
21 of California, makes this Accusation in her official capacity.

22 2.

23 Respondent is presently licensed and/or has license rights under the Real Estate
24 Law, Part 1 of Division 4 of the California Business and Professions Code ("Code") as a real
25 estate broker, Bureau of Real Estate ("Bureau" or "BRE") license number 01495604.

26 Respondent's license will expire on June 8, 2021. Respondent presently holds a Mortgage
27

CalBRE Accusation - Tom Nguyen

1 Loan Originator (“MLO”) license endorsement, National Mortgage Licensing System
2 (“NMLS”) ID 350188.

3 FIRST CAUSE FOR DISCIPLINE

4 (CRIMINAL CONVICTION)

5 3.

6 On or about August 3, 2015, a misdemeanor complaint was filed against
7 Respondent in the Superior Court of the State of California, County of Orange, in Case No.
8 CHPW 15-0795, for violation of California Vehicle Code (“VC”) Section 23152(A) (driving
9 under the influence of alcohol) (Count 1); VC Section 23152(B) (driving with blood alcohol
10 0.08% or more) (Count 2); and VC Section 20002(A) (hit and run with property damage)
11 (Count 3). On or about August 17, 2016, Respondent was found guilty of, and convicted for,
12 violation of VC Section 20002(A) (Count 3). Also on August 17, 2016, Respondent was
13 sentenced to three (3) years informal probation, and ordered to pay: fines, assessments, fees,
14 state restitution, and victim restitution.

15 4.

16 The crime of which Respondent was convicted, by its facts and circumstances,
17 bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of
18 Regulations to the qualifications, functions or duties of a real estate licensee.

19 5.

20 The crime of which Respondent was convicted constitutes cause under **Code**
21 **Sections 490 and 10177(b)** for the suspension or revocation of the license and license rights of
22 Respondent under the Real Estate Law.

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1 SECOND CAUSE FOR DISCIPLINE

2 (FAILURE TO REPORT)

3 6.

4 Respondent did not report in writing to the Bureau, the aforementioned
5 conviction, as described above in Paragraph 3, within thirty (30) days of the conviction date
6 (August 17, 2016).

7 7.

8 Respondent's failure to report the August 17, 2016 conviction constitutes cause
9 for discipline under **Code Section 10186.2**¹ of the license and license rights of Respondent
10 under the Real Estate Law.

11 THIRD CAUSE FOR DISCIPLINE

12 (FAILURE TO DISCLOSE)

13 8.

14 On or about April 25, 2017, Respondent submitted Form RE 208 (Rev. 2/17) to
15 the Bureau for renewal of his real estate broker license.

16 9.

17 In response to Question 16 of his April 25, 2017 license renewal application, to
18 wit: "WITHIN THE SIX-YEAR PERIOD PRIOR TO FILING THIS APPLICATION, HAVE
19 YOU EVER BEEN CONVICTED (SEE PARAGRAPH ABOVE)² OF ANY VIOLATION OF
20 THE LAW AT THE MISDEMEANOR OR FELONY LEVEL? IF YES, COMPLETE ITEM
21

22 ¹ Pursuant to Business and Professions Code 10186.2: (a)(1) A licensee shall report any of the following to the
23 department: (A) The bringing of an indictment or information charging a felony against the licensee. (B) The
24 conviction of the licensee, including any verdict of guilty, or plea of guilty or no contest, of any felony or
25 misdemeanor. (c) Any disciplinary action taken by another licensing entity or authority of this state or of another
26 state or an agency of the federal government. (2) The report required by this subdivision shall be made in writing
27 within 30 days of the date of the bringing of the indictment or the charging of a felony, the conviction, or the
disciplinary action. (b) Failure to make a report required by this section shall constitute a cause for discipline.

² Question 16 of the Bureau of Real Estate Broker Renewal Application RE 208 (Rev.2/17) includes a reference
to examples of "Convicted," categories that are examined by the Bureau.

1 22 WITH INFORMATION ON EACH CONVICTION,” Respondent answered “No,” and did
2 not reveal on his application the August 17, 2016 conviction described in Paragraph 3, above.

3
4 10.

5 Respondent’s failure to reveal the conviction, set forth herein in Paragraph 3, on
6 his license renewal application constitutes the attempt to procure a real estate license by fraud,
7 misrepresentation, or deceit, or by knowingly making a false statement of material fact required
8 to be revealed in said application, and constitutes cause under **Code Sections 475(b) and**
9 **10177(a)** for the suspension or revocation of the license and license rights of Respondent under
10 the Real Estate Law.

11 COSTS

12 11.

13 **Code Section 10106** provides, in pertinent part, that in any order issued in
14 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the
15 administrative law judge to direct a licensee found to have committed a violation of this part to
16 pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

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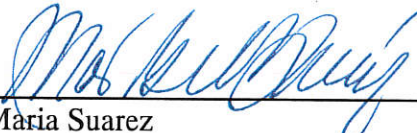
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against all licenses and/or license rights under the Real Estate Law (Part 1 of
4 Division 4 of the California Business and Professions Code) of Respondent TOM NGUYEN,
5 for the cost of investigation and enforcement as permitted by law, and for such other and
6 further relief as may be proper under applicable provisions of law.

7 Dated at Los Angeles, California

8 this 9th day of June, 2017.

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12 _____
13 Maria Suarez
14 Supervising Special Investigator
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19 cc: TOM NGUYEN
20 Maria Suarez
21 Sacto.
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