

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

MAR 22 2022

DEPT. OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE¹

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation against) DRE No. H-41907 LA
12) OAH No. 2021050899
13 QUOCANH NHUT NGUYEN,)
14 Respondent.) STIPULATION AND AGREEMENT AND
) DECISION AFTER REJECTION

15 The California Department of Real Estate (“Department”) filed an Accusation
16 against QUOCANH NHUT NGUYEN (“Respondent”) on March 3, 2021. This matter came for
17 hearing and was heard by videoconference before Chris Ruiz, Administrative Law Judge
18 (“ALJ”) of the Office of Administrative Hearings (“OAH”), in Los Angeles, California on
19 November 17, 2021. Lissete Garcia, Counsel, represented the Complainant, Luke Martin,
20 Supervising Special Investigator for the State of California Department of Real Estate.
21 Respondent was present and represented himself. Oral and documentary evidence was received
22 and the matter was submitted that same day.

23 On December 15, 2021, the ALJ issued a Proposed Decision.

24 THE PARTIES HERETO NOW STIPULATE as follows for the purpose of
25 settling and disposing of the Accusation (“Accusation”) filed on March 3, 2021, in this matter:

26 _____
27 ¹ Between July 1, 2013 and July 1, 2018, the Department of Real Estate operated as the Bureau of Real Estate under the Department of Consumer Affairs.

1 1. This Stipulation is based on the factual allegations contained in the
2 Accusation filed in this proceeding. In the interest of expedience and economy, Respondent
3 chooses not to contest these factual allegations, and understands that, as a result thereof, these
4 factual statements will serve as a prima facie basis for the disciplinary action stipulated to herein.
5 The Real Estate Commissioner shall not be required to provide further evidence to prove such
6 allegations.

7 2. Respondent further acknowledges that the Real Estate Commissioner held
8 a hearing on this Accusation on November 17, 2021, before the Office of Administrative
9 Hearings for the purpose of proving the allegations therein. Respondent was present at the
10 hearing and participated therein. Further, Respondent has had an opportunity to read and review
11 the Proposed Decision of the Administrative Law Judge.

12 3. Respondent understands that pursuant to Government Code Section
13 11517(c), the Real Estate Commissioner may reject the Proposed Decision of the Administrative
14 Law Judge. Respondent further understands that pursuant to the same Section 11517(c), the Real
15 Estate Commissioner may decide this case upon the record, including the transcript, without
16 taking any additional evidence, after affording Respondent the opportunity to present written
17 argument to the Real Estate Commissioner.

18 4. Respondent further understands that by signing this Stipulation and
19 Agreement, Respondent is waiving his right to seek a dismissal of the Accusation through
20 proceedings under Government Code Section 11517(c) if this Stipulation and Agreement
21 ("Stipulation") is accepted by the Real Estate Commissioner.

22 5. It is understood by the parties that the Real Estate Commissioner may
23 adopt this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions
24 on Respondent's real estate license, mortgage license originator ("MLO") license endorsements,
25 and license rights as set forth in the below "Order." In the event that the Commissioner in his
26 discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect and
27

1 Respondent shall retain the right to further proceedings under the Administrative Procedure Act
2 (beginning at Government Code Section 11500).

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

7 7. It is understood by the parties that the Commissioner may adopt the
8 Stipulation and Agreement and Decision After Rejection as his decision in this matter, thereby
9 revoking Respondent's real estate broker license, MLO license endorsements, and license rights;
10 provided, however, Respondent is issued a restricted salesperson license and restricted MLO
11 license endorsement. In the event the Commissioner in his discretion does not adopt the
12 Stipulation, the Stipulation shall be void and of no effect; the Commissioner will review the
13 transcript and the evidence in the case, and will issue his Decision after Rejection as his Decision
14 in this matter.

15 8. By reason of the foregoing and solely for the purpose of settlement of the
16 Accusation without further administrative proceedings, it is stipulated and agreed that the
17 following shall be adopted as the Commissioner's Decision:

18 DETERMINATION OF ISSUES

19 By reason of the foregoing, it is stipulated and agreed that the following
20 determination of issues shall be made:

21 The conduct of QUOCANH NHUT NGUYEN as described in the Accusation is
22 grounds for the suspension or revocation of all of the real estate licenses, MLO license
23 endorsements, and license rights of Respondent pursuant to the provisions of California Business
24 and Professions Code ("Code") section 10176, subdivisions (a), (b), and (i), Code section
25 10166.051(a), and Code section 10177, subdivision (d) and (g).

26 ///
27 ///

1 by the prospective employing real estate broker on a form approved by the Department of Real
2 Estate which shall certify:

3 4(a). That the employing broker has read the Decision of the Commissioner
4 which granted the right to a restricted license; and

5 4(b). That the employing broker will exercise close supervision over the
6 performance by the restricted licensee relating to activities for which a real estate license is
7 required.

8 5. Respondent shall, **within nine (9) months from the effective date of this**
9 **Order**, present evidence satisfactory to the Commissioner that Respondent has, since the most
10 recent issuance of an original or renewal real estate license, taken and successfully completed the
11 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
12 of a real estate license. If Respondent fails to satisfy this condition, Respondent's real estate
13 license shall automatically be suspended until Respondent presents evidence satisfactory to the
14 Commissioner of having taken and successfully completed the continuing education
15 requirements. **Proof of completion of the continuing education courses must be delivered to**
16 **the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-**
17 **7013.**

18 6. Respondent shall notify the Commissioner in writing within **72 hours** of
19 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
20 Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
21 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
22 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
23 constitute an independent violation of the terms of the restricted license and MLO license
24 endorsement, and shall be grounds for the suspension or revocation of that license.

25 ///


26 ///

27 ///

1 7. Respondent shall, **within thirty (30) days from the effective date of this**
2 **Order**, pay the sum of \$6,576.07 for the Commissioner's reasonable cost of the investigation
3 and enforcement which led to this disciplinary action. Said payment shall be in the form of a
4 cashier's check made payable to the Department of Real Estate. The investigative and
5 enforcement costs must be delivered to the **Department of Real Estate, Flag Section, P.O. Box**
6 **137013, Sacramento, CA 95813-7013, within thirty (30) days the effective date of this**
7 **Order.**

8 7(a). If Respondent fails to satisfy this condition, the Commissioner
9 shall order the suspension of the restricted license and MLO license endorsement until the
10 Respondent presents evidence of payment. The Commissioner shall afford Respondent the
11 opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence
12 that payment was timely made. The suspension shall remain in effect until payment is made in
13 full or until a decision providing otherwise is adopted following a hearing held pursuant to this
14 condition.

15 DATED: 3/8/2002



Lissete Garcia, Counsel for
Department of Real Estate

17 * * *

18 EXECUTION OF THE STIPULATION

19 I have read the Stipulation and Agreement and Decision after Rejection, and its
20 terms are understood by me and are agreeable and acceptable to me. I willingly and voluntarily
21 agree to enter into this Stipulation and Agreement and Decision after Rejection.

22 Respondent can signify acceptance and approval of the terms and conditions of
23 this Stipulation and Agreement by electronically emailing a copy of the signature page, as
24 actually signed by Respondent, to the Department. Respondent agrees acknowledges, and
25 understands that by electronically sending to the Department an electronic copy of Respondent's
26 actual signature as it appears on the Stipulation, that receipt of the emailed copy by the
27 Department shall be as binding on Respondent as if the Department had received the original

1 signed Stipulation. By signing this Stipulation, Respondent understands and agrees that
2 Respondent may not withdraw this agreement or seek to rescind the Stipulation prior to the time
3 the Commissioner considers and acts upon it or prior to the effective date of the Stipulation and
4 Order.

5 Respondent agrees, acknowledges and understands that by signing this Stipulation
6 and Agreement and Decision after Rejection Respondent is bound by its terms as of the date of
7 such signature and that such agreement is not subject to rescission or amendment at a later date
8 except by a separate Decision and Order of the Commissioner.

9 MAILING

10 Respondent and Respondent's attorney shall mail the original signed signature
11 page(s) of the stipulation herein, **within five (5) business days of signing the Stipulation**, to
12 Lissete Garcia: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite
13 350, Los Angeles, California 90013-1105.

14
15 DATED: 3/8/2022


16 QUOCANH NHUT NGUYEN
17 Respondent

18 * * *

19 I have read the Accusation filed herein, the Proposed Decision of the
20 Administrative Law Judge dated December 15, 2021, and the foregoing Stipulation and
21 Agreement signed by Respondent. I am satisfied that it will not be inimical to the public interest
22 to issue a restricted salesperson license and MLO license endorsement to Respondent.

23 Therefore, IT IS HEREBY ORDERED that the real estate broker license and
24 MLO license endorsement of Respondent QUOCANH NHUT NGUYEN be revoked and a
25 restricted real estate salesperson license and restricted MLO license endorsement be issued to
26 Respondent if Respondent has otherwise fulfilled all of the statutory requirements for licensure.

1 The restricted license and MLO license endorsement shall be limited, conditioned and restricted
2 as specified in the foregoing Stipulation and Agreement.

3 This Decision shall become effective at 12 o'clock noon on 4/21/2022

4 IT IS SO ORDERED 3.16.22.

7 REAL ESTATE COMMISSIONER

9 
10 DOUGLAS R. McCAULEY

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27