

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**FILED**

APR 14 2023

DEPT. OF REAL ESTATE  
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) No. H-42142 LA  
)  
MANNY PHONG NGUYEN, ) STIPULATION AND AGREEMENT  
)  
Respondent. )  
\_\_\_\_\_ )

It is hereby stipulated by and between Respondent MANNY PHONG NGUYEN, represented by Frank M. Buda, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on December 20, 2021, 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").

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

///

1                   3.       On December 31, 2021, Respondent filed a Notice of Defense pursuant  
2 to section 11506 of the Government Code for the purpose of requesting a hearing on the  
3 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice  
4 of Defense. Respondent acknowledges that Respondent understands that by withdrawing said  
5 Notice of Defense, Respondent will thereby waive Respondent's right to require the Real Estate  
6 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested  
7 hearing held in accordance with the provisions of the APA and that Respondent will waive  
8 other rights afforded to Respondent in connection with the hearing such as the right to present  
9 evidence in defense of the allegations in the Accusation and the right to cross-examine  
10 witnesses.

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

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

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

25 ///

26 ///

27 ///



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

6                   3.       Respondent shall not be eligible to apply for the issuance of an  
7 unrestricted real estate license, including designated officer or mortgage loan originator  
8 endorsement, nor for the removal of any of the conditions, limitations or restrictions of a  
9 restricted license until two (2) years have elapsed from the effective date of this Decision and  
10 Order. Respondent withdraws all pending license applications.

11                  4.       Respondent shall submit with any application for license under an  
12 employing broker, or any application for transfer to a new employing broker, a statement signed  
13 by the prospective employing real estate broker, on a form approved by the Department of Real  
14 Estate, which shall certify:

- 15                       (a)     That the employing broker has read the Decision of the  
16 Commissioner which granted the right to a restricted license; and  
17                       (b)     That the employing broker will exercise close supervision over  
18 the performance by the restricted licensee relating to activities for  
19 which a real estate license is required.

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///


27 ///

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

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

18                   7.       All licenses and licensing rights of Respondent are indefinitely  
19 suspended unless or until Respondent pays the sum of \$2,567.20 for the Commissioner's  
20 reasonable cost of the investigation and enforcement which led to this disciplinary action. Said  
21 payment shall be in the form of a cashier's check made payable to the Department of Real  
22 Estate. The investigative and enforcement costs must be delivered to the Department of Real  
23 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within sixty (60) days  
24 after the effective date of this Decision and Order.

25  
26 DATED: 2/15/2023

  
\_\_\_\_\_  
Steve Chu, Counsel  
Department of Real Estate

\*\*\*

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 by March 2, 2022, to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by February 15, 2023: if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 2/14/2023

  
MANNY PHONG NGUYEN  
Respondent

DATED: 2-14-2023

  
Frank M. Buda  
Counsel for Respondent  
Approved as to Form

///

///

///

///

///

