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FILED

MAR 18 2024

DEPT. OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-42739 LA
)	
)	
SUPER RATE LENDING,)	
formerly Brighten Lending; and)	
)	ACCUSATION
HUILING VON,)	
individually and as designated officer)	
of Brighten Lending,)	
)	
Respondents.)	

The Complainant, Jason Parson, a Supervising Special Investigator of the State of California, acting in his official capacity, for cause of Accusation against Respondents SUPER RATE LENDING formerly Brighten Lending ("SRL") and HUILING VON ("VON") aka Jessica Von, individually and as designated officer of SRL, is informed and alleges as follows:

1.

The Complainant, Jason Parson, acting in his official capacity as Supervising Special Investigator of the State of California, makes this Accusation.

2.

All references to the “Code” are to the California Business and Professions Code, and all references to “Regulations” are to Title 10, Chapter 6, California Code of Regulations unless otherwise specified.

(License History: SRL, VON, and Lee Khanthaphixay)

3.

a. Respondent SRL¹ presently has license rights with the Department Real Estate as a real estate corporation (license no. 01453920) and mortgage loan originator (“MLO”) (NMLS license no. 39160). SRL has been licensed as a real estate corporation from on or about October 1, 2004 to April 5, 2015 and from May 21, 2016 through the present. SRL’s designated officers have been Huiling Von from on or about February 28, 2017 to March 30, 2023 and Lee Khanthaphixay (“Khanthaphixay”) from on or about March 30, 2023 through the present. SRL’s fictitious business names have been “Premier Mortgage Bankers” from on or about February 4, 2010 to July 12, 2012; “HomeLoan168.com” from on or about November 19, 2012 to April 4, 2015 and August 13, 2015 through the present; and “Brighten Lending-A Non-Independent Broker Escrow” from on or about September 4, 2018 through the present. Prior to March 1, 2024, Respondent SRL was licensed as “Brighten Lending.”

b. Respondent VON has been licensed by the Department of Real Estate as a real estate broker (license no. 02024595) from on or about January 11, 2017 through the present and a MLO (NMLS license no. 1580228) from on or about February 28, 2017 through the present. VON was SRL’s designated officer from on or about February 28, 2017 to March 30, 2023, and remains an officer for SRL through the present. VON is also SRL’s president.

¹ On or about March 1, 2024, Respondent SRL changed its name from Brighten Lending. Hence, Respondent SRL was known as Brighten Lending at all pertinent times herein.

1 At no time has VON had a fictitious business name registered with the Department of Real
2 Estate.

3 c. Khanthaphixay is presently licensed and/or issued by the Department of Real
4 Estate as a real estate broker (license no. 01124361) and as SRL's designated officer.
5 Khanthaphixay was originally licensed as a real estate broker on or about April 22, 2021, and
6 was previously licensed as a real estate salesperson. Khanthaphixay has been SRL's designated
7 officer from on or about March 30, 2023 through the present and SRL's chief executive officer
8 ("CEO") from on or about April 21, 2023 through the present. Khanthaphixay is SRL's vice
9 president. At no time has Khanthaphixay had a fictitious business name.

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11 (Prior License Discipline)

12 4.

13 On or about January 16, 2020, a First Amended Accusation, in case no. H-12407
14 SF, was filed alleging SRL and VON committed various audit violations, including, but not
15 limited to, Code sections 10145, 10177(d), and/or 10177(g) and Regulations sections 2831.1,
16 2934, and 2950(d).

17 5.

18 On or about August 6, 2020, an Order and Stipulation and Agreement, in case
19 no. H-12407 SF, was filed ordering the real estate licenses of SRL and VON be suspended for
20 forty-five (45) days with forty five (45) days stayed pursuant to certain terms and conditions,
21 SRL and VON pay for the audit and follow up audit, and VON take a trust fund accounting and
22 handling course. The effective date of this Order was September 4, 2020.

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(Real Estate Activities)

6.

At all times mentioned, in the County of Los Angeles, SRL and VON engaged in the business of a real estate broker conducting licensed activities within the meaning of Code section Code section 10131(d) (“[s]olicits borrowers or lenders for or negotiates loans or collects payments or performs services for borrowers or lenders or note owners in connection with loans secured directly or collaterally by liens on real property or on a business opportunity”).

(Trust Fund Audit)

7.

On or about February 28, 2023, the Department of Real Estate completed an audit examination of the books and records of SRL to determine whether SRL and VON handled and accounted for trust funds and conducted their real estate activities in accordance with the Real Estate Law and Regulations. The audit examination covered a period of time beginning on September 4, 2020 and ending on May 31, 2022. The audit examination revealed violations of the Code and the Regulations set forth in the following paragraphs, and more fully discussed in Audit Report LA210135 and the exhibits and work papers attached to said audit report.

Trust Account

8.

At all times mentioned, in connection with the activities described in Paragraph 6, above, SRL and VON accepted or received funds including funds in trust (“trust funds”) from or on behalf of actual or prospective parties, such as owners of real property, and thereafter made deposits and/or disbursements of such funds. From time to time herein

mentioned, during the audit period, said trust funds were deposited and/or maintained by SRL and VON in the following bank account:

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First Commercial Bank
18725 E. Gale Ave., #150
City of Industry, CA 91746

TA 1

9.

In the course of activities described in Paragraphs 6 and 8, above, and during the audit examination period in Paragraph 7, above, Respondents SRL and VON acted in violation of the Code and the Regulations as set forth below:

(a) Permitted, allowed, or caused the disbursement of trust funds from the trust account TA 1 where the disbursement of funds reduced the total of aggregate funds in TA 1, to an amount which, on May 31, 2022, was a minimum shortage of \$8,908.93 without first obtaining the prior written consent of the owners of said funds, in violation of Code section 10145 and Regulations sections 2832.1, 2950(g), and 2951.

(b) Failed to maintain an accurate and complete record of all trust funds received and disbursed (control record) for TA 1, in violation of Code section 10145 and Regulations sections 2831, 2950(d), and 2951.

(c) Failed to maintain an accurate and complete separate record for each beneficiary or transaction for TA 1, in violation of Code section 10145 and Regulations sections 2831.1, 2950(d), and 2951.

(d) Failed to perform and maintain accurate monthly reconciliations comparing the balance of all separate beneficiary or transactions records (separate records) to the balance of the record of all trust funds received and disbursed (control record) for TA 1, in violation of Code section 10145 and Regulations sections 2831.2 and 2951.

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1 (e) Commingled SRL's own funds with trust funds in TA 1 for more than
2 twenty five (25) days, in violation of Code sections 10145 and 10176(e) and Regulations
3 sections 2835 and 2951.

4 (f) VON failed to exercise reasonable supervision and control over the licensed
5 activities of SRL and its employees to ensure full compliance with the Real Estate Laws and
6 Commissioner's Regulations, and failed to establish policies, rules, procedures, and systems to
7 review, oversee, and manage transactions, in violation of Code section 10159.2 and
8 Regulations section 2725.

9 10.

10 The conduct of Respondents SRL and VON, as described in Paragraph 9, above,
11 violated the Code and the Regulations as set forth below:

<u>PARAGRAPH</u>	<u>PROVISIONS VIOLATED</u>
12 9(a)	Code section 10145 and Regulations sections 2832.1, 2950(g), and 2951
13 9(b)	Code section Code section 10145 and Regulations sections 2831,
14	2950(g), and 2951
15 9(c)	Code section 10145 and Regulations sections 2831.1, 2950(d), and 2951
16 9(d)	Code section 10145 and Regulations sections 2831.2 and 2951
17 9(e)	Code sections 10145 and 10176(e) and Regulations sections 2835 and
18	2951
19 9(h)	Code section 10159.2 and Regulations section 2725

20 The foregoing violations constitute cause for discipline of the real estate license and license
21 rights of Respondents SRL and VON under the provisions of Code sections 10159.2, 10176(e),
22 10177(d), 10177(g), and 10177(h).

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(COSTS)

11.

Code section 10106 provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department of Real Estate, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case.

12.

Code section 10148(b) provides, in pertinent part, that the Commissioner shall charge a real estate broker for the cost of any audit, if the Commissioner has found in a final decision following a disciplinary hearing that the broker has violated Code section 10145 or a regulation or rule of the Commissioner interpreting said section.

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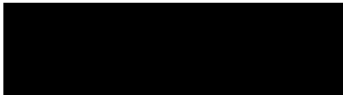
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1 WHEREFORE, Complainant prays that a hearing be conducted on the
2 allegations of this Accusation and that upon proof thereof, a decision be rendered imposing
3 disciplinary action against the licenses and license rights of SUPER RATE LENDING and
4 HUILING VON, individually and as designated officer of Super Rate Lending, under the Real
5 Estate Law (Part 1 of Division 4 of the California Business and Professions Code), for the cost
6 of investigation and enforcement pursuant to Code section 10106 and as permitted by law, and
7 for such other and further relief as may be proper under other applicable provisions of law,
8 including, but not limited to, costs of audit pursuant to Code section 10148(b).

9 Dated at Los Angeles, California: March 18, 2024.

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12 Jason Parson
13 Supervising Special Investigator
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20 cc: Brighten Lending
21 Huiling Von
22 Lee Khantaphixay
23 Jason Parson
24 Sacto
25 Enforcement
26 Audits – Godswill Keraoru
27