

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

FILED

NOV 26 2024

DEPT. OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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| 11 In the Matter of the Accusation of |) | No. H-42739 LA |
| |) | |
| |) | |
| 12 SUPER RATE LENDING, |) | |
| 13 formerly Brighten Lending; and |) | |
| |) | STIPULATION AND |
| 14 HUILING VON, |) | AGREEMENT |
| 15 individually and as designated officer |) | |
| 16 of Brighten Lending, |) | |
| |) | |
| 17 Respondents. |) | |
| |) | |

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19 It is hereby stipulated by and between Respondents SUPER RATE LENDING
20 formerly Brighten Lending ("SRL") and HUILING VON ("VON"), individually and as
21 designated officer of Super Rate Lending (collectively "Respondents"), both represented
22 by Frank Buda, Esq., and the Complainant, acting by and through Diane Lee, Counsel for
23 the Department of Real Estate, as follows for the purpose of settling and disposing of the
24 Accusation ("Accusation") filed on or about March 18, 2024, in this matter:

25 1. All issues which were to be contested and all evidence which were to be
26 presented by Complainant and Respondents SRL and VON at a formal hearing on the
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1 Accusation, which hearing was to be held in accordance with the provisions of the California
2 Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on
3 the basis of the provisions of this Stipulation and Agreement ("Stipulation").

4 2. Respondents SRL and VON have received and read, and understand the
5 Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the
6 Department of Real Estate in this proceeding.

7 3. Respondents SRL and VON filed Notices of Defense pursuant to California
8 Government Code section 11506 for the purpose of requesting a hearing on the allegations in the
9 Accusation. Respondents SRL and VON hereby freely and voluntarily withdraw said Notices of
10 Defense. Respondents SRL and VON acknowledge that they understand that by withdrawing
11 said Notices of Defense they thereby waive their right to require the Commissioner to prove the
12 allegations in the Accusation at a contested hearing held in accordance with the provisions of the
13 APA and that Respondents SRL and VON will waive other rights afforded to them in connection
14 with the hearing such as the right to present evidence in their defense and the right to cross-
15 examine witnesses.

16 4. This Stipulation is based on the factual allegations contained in the
17 Accusation. In the interest of expediency and economy, Respondents SRL and VON choose not
18 to contest these factual allegations, but to remain silent and understand that, as a result thereof,
19 these factual statements will serve as a prima facie basis for the disciplinary action stipulated to
20 herein and violations set for below.

21 5. This Stipulation and Respondents' decision not to contest the Accusation are
22 made for the purpose of reaching an agreed disposition of this proceeding, and are limited to this
23 proceeding and any other proceeding or case in which the Department of Real Estate, or another
24 licensing agency of this state or another state, or if a local, state, or federal government is
25 involved, and otherwise shall not be admissible in any other criminal or civil proceedings.
26 Respondents SRL and VON further understand that the sustained violation(s) may be considered
27 in any future administrative or disciplinary matters by the Department of Real Estate.

1 6. It is understood by the parties that the Real Estate Commissioner may adopt
2 this Stipulation as her Decision in this matter thereby imposing the penalties and sanctions on
3 the real estate licenses and license rights of Respondents SRL and VON as set forth in the
4 below "Order." In the event that the Commissioner in her discretion does not adopt this
5 Stipulation, it shall be void and of no effect, and Respondents SRL and VON shall retain the
6 right to a hearing and proceeding on the Accusation under the provisions of the APA and shall
7 not be bound by this Stipulation herein.

8 7. The Order or any subsequent Order of the Real Estate Commissioner made
9 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further
10 administrative or civil proceedings by the Department of Real Estate with respect to any matters
11 which were not specifically alleged to be causes for Accusation in this proceeding, but do
12 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
13 the Accusation against Respondents SRL and VON herein.

14 8. Respondents SRL and VON understand that by agreeing to this Stipulation,
15 Respondents SRL and VON agree to pay, pursuant to California Business and Professions Code
16 section 10106, the cost of the investigation and enforcement. The amount of investigation and
17 enforcement cost is \$2,040.00.

18 9. Respondents SRL and VON understand that by agreeing to this Stipulation and
19 Agreement, the findings set forth below in the Determination of Issues become final, and the
20 Commissioner may charge Respondents SRL and VON, with joint and several liability, for the
21 cost of any subsequent audit(s) conducted pursuant to California Business and Professions Code
22 section 10148. The maximum cost of the subsequent audit will not exceed \$5,722.28.

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The conduct, acts, or omissions of Respondent SRL, as described in the Accusation and Paragraph 4, above, are a basis for discipline of Respondent SRL's licenses and license rights pursuant to California Business and Professions Code sections 10145 and 10176(e) and California Code of Regulations, sections 2831, 2831.1, 2831.2, and 2832.1.

The conduct, acts, or omissions of Respondent VON, as described in the Accusation and Paragraph 4, above, are a basis for discipline of Respondent VON's licenses and license rights pursuant to California Business and Professions Code section 10159.2 and Title 10, Chapter 6 of the California Code of Regulations, section 2725.

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(SUPER RATE LENDING: SUSPENSION)

All licenses and licensing rights of SRL under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision:

1. SRL pays a monetary penalty pursuant to California Business and Professions Code section 10175.2 at the rate of \$50.00 per day for a monetary penalty of \$750.00 total.

2. Said payment shall be in the form of a cashier's check or certified check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the effective date of this Decision and Order.

3. No further cause for disciplinary action against the real estate license of SRL occurs within two (2) years from the effective date of the Decision in this matter.

4. If SRL fails to pay the monetary penalty in accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event SRL shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department of Real Estate under the terms of this Decision.

5. If SRL pays the monetary penalty and if no further cause for disciplinary action against the real estate license of SRL occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

B. The remaining forty-five (45) days of the sixty (60) day suspension shall be stayed for two (2) years upon the following terms and conditions:

1. SRL shall obey all laws, rules, and regulations governing the rights, duties, and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made after hearing or upon stipulation, that cause for disciplinary action occurred within two (2) years from the effective date of this Decision. Should such a determination be made, the Commissioner may, in her discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

(HUILING VON: SUSPENSION)

II.

All licenses and licensing rights of VON under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision:

A. Provided, however, that the initial fifteen (15) days of said suspension shall be stayed upon condition that:

1 1. VON pays a monetary penalty pursuant to California Business and Professions
2 Code section 10175.2 at the rate of \$50.00 per day for a monetary penalty of \$750.00 total.

3 2. Said payment shall be in the form of a cashier's check or certified check made
4 payable to the Department of Real Estate. Said check must be delivered to the Department of
5 Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, prior to the
6 effective date of this Decision and Order.

7 3. No further cause for disciplinary action against the real estate license of VON
8 occurs within two (2) years from the effective date of the Decision in this matter.

9 4. If VON fails to pay the monetary penalty in accordance with the terms of the
10 Decision, the Commissioner may, without a hearing, order the immediate execution of all or any
11 part of the stayed suspension, in which event VON shall not be entitled to any repayment nor
12 credit, prorated or otherwise, for money paid to the Department of Real Estate under the terms of
13 this Decision.

14 5. If VON pays the monetary penalty and if no further cause for disciplinary
15 action against the real estate license of VON occurs within two (2) years from the effective date
16 of the Decision, the stay hereby granted shall become permanent.

17 B. The remaining forty-five (45) days of the sixty (60) day suspension shall be
18 stayed for two (2) years upon the following terms and conditions:

19 1. VON shall obey all laws, rules, and regulations governing the rights, duties,
20 and responsibilities of a real estate licensee in the State of California; and

21 2. That no final subsequent determination be made after hearing or upon
22 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
23 date of this Decision. Should such a determination be made, the Commissioner may, in his
24 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed
25 suspension. Should no such determination be made, the stay imposed herein shall become
26 permanent.

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1 (SRL AND VON: INVESTIGATION AND ENFORCEMENT COSTS)

2 III.

3 Respondents SRL and VON shall, within thirty (30) days from the effective date
4 of this Decision and Order, pay the sum of \$2,040.00 with joint and several liability for the
5 Commissioner's reasonable cost for investigation and enforcement which led to this disciplinary
6 action. Said payment shall be in the form of a cashier's check made payable to the Department
7 of Real Estate. The investigative and enforcement costs must be delivered to the Department of
8 Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, within thirty
9 (30) days from the effective date of this Decision and Order. If the costs of investigation and
10 enforcement are not paid within thirty (30) days from the effective date of this Decision and
11 Order, the licenses and license rights of Respondents SRL and VON shall automatically be
12 suspended until full payment is made.

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14 (SRL and VON: AUDIT COSTS)

15 IV.

16 Pursuant to California Business and Professions Code section 10148, Respondent
17 SRL shall pay the Commissioner's reasonable cost, not to exceed \$5,722.28, for audit(s) to
18 determine if Respondent SRL has corrected the violations found in the Determination of Issues.
19 In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the
20 estimated average hourly salary for all persons performing audits of real estate broker(s), and
21 shall include an allocation for travel time to and from the auditor's place of work. Respondents
22 SRL shall pay such cost within sixty (60) days of receiving an invoice therefor from the
23 Commissioner. Payment of the audit costs should not be made until Respondent SRL and/or
24 VON receives the invoice. If Respondent SRL fails to satisfy this condition in a timely manner
25 as provided for herein, the real estate license of Respondent SRL shall automatically be
26 suspended until payment is made in full, or until a decision providing otherwise is adopted
27 following a hearing held pursuant to this condition.

(VON: TRUST FUND COURSE)

V.

Respondent VON shall, within ninety (90) days of the effective date of this Decision and Order, provide proof satisfactory to the Commissioner, of having taken and successfully completed the continuing education course on trust fund accounting and handling specified in California Business and Professions Code section 10170.5(a)(3). Proof of satisfaction of this requirement includes evidence that Respondent VON has successfully completed the trust fund account and handling continuing education course, no earlier than one hundred twenty (120) days prior to the effective date of the Decision and Order in this matter. Proof of completion of the trust fund accounting and handling course must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811, within ninety (90) days of the effective date of this Decision and Order.

DATED: 10/25/2024

DIANE LEE,
Counsel for Department of Real Estate

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EXECUTION OF THE STIPULATION

I, HUILING VON, have read the Stipulation and discussed it with my attorney, Frank Buda, Esq. Its terms are understood by me, and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California APA (including, but not limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

1 I, Lee Khanthaphixay ("Khanthaphixay"),¹ as designated officer of SUPER
2 RATE LENDING, have read the Stipulation and discussed it with SRL's attorney, Frank Buda,
3 Esq. Its terms are understood by SRL, and are agreeable and acceptable to SRL. I understand
4 that I, on behalf of SRL, am waiving rights given to SRL by the California APA (including, but
5 not limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I, as
6 designated officer of SRL, willingly, intelligently, and voluntarily waive those rights,
7 including, but not limited to, the right of requiring the Commissioner to prove the allegations in
8 the Accusation at a hearing at which SRL would have the right to cross-examine witnesses
9 against SRL and to present evidence in defense and mitigation of the charges.

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11 MAILING AND E-MAIL

12 Respondents SRL and VON shall mail the original signed signature page of
13 this Stipulation herein to Department of Real Estate, Attention: Legal Section – Diane Lee, 320
14 West Fourth Street, Suite 350, Los Angeles, California 90013-1105.


15 In the event of time constraints before an administrative hearing, Respondents
16 SRL and VON can signify acceptance and approval of the terms and conditions of this
17 Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed
18 by Respondents SRL and VON, to the Department counsel assigned to this case. Respondents
19 SRL and VON agree, acknowledge, and understand that by electronically sending the
20 Department a scan of Respondents SRL's and VON's actual signatures as they appear on the
21 Stipulation and Agreement that receipt of the scan by the Department shall be binding
22 on Respondents SRL and VON as if the Department had received the original signed
23 Stipulation.

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27 ¹ Khanthaphixay is acting solely as the designated officer of Super Rate Lending.
Khanthaphixay is not a respondent in the case herein.

1 Respondents SRL's and VON's signatures below constitute acceptance and
2 approval of the terms and conditions of this Stipulation. Respondents SRL and VON agree,
3 acknowledge, and understand that by signing this Stipulation, Respondents SRL and VON
4 are bound by its terms as of the date of such signatures and that this agreement is not subject to
5 rescission or amendment at a later date except by a separate Decision and Order of the Real
6 Estate Commissioner.


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8 DATED: 10/22/24


SUPER RATE LENDING, by Lee Khanthaphixay,
designated officer of Super Rate Lending

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12 DATED: 10/22/24


HUILING VON, individually

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15 DATED: 10/24/24


Frank Duda, Esq.
Attorney for Respondents Super Rate Lending and Huiling
Von
Approved as to Form and Content

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1 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
2 Respondents SUPER RATE LENDING and HUILING VON, and shall become effective at 12
3 o'clock noon on December 16, 2024.

4 IT IS SO ORDERED 11/24/2024.

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6 CHIKA SUNQUIST
7 REAL ESTATE COMMISSIONER

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10 By: Marcus L. McCarther
11 Chief Deputy Real Estate Commissioner
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