

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

FILED

AUG 09 2022

DEPT. OF REAL ESTATE
By [Signature]

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against)

DRE No. H-42179 LA
OAH No. 2022030181

12)
13 CU QUANG TRAN,)

14 Respondent.)

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

15 _____
16 It is hereby stipulated by and between CU QUANG TRAN (sometimes referred to as
17 "Respondent"), acting by and through his attorney Negin Yamini, Esq., and the Complainant,
18 acting by and through Judith B. Vasan, Counsel for the Department of Real Estate, as follows for
19 the purpose of settling and disposing of the First Amended Accusation ("Accusation") filed on
20 April 6, 2022, in this matter:

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

26 2. Respondent received, read and understands the Statement to Respondent, the
27 Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate

1 (“Department”) in this proceeding.

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

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

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

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

27 ///

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct, acts or omissions of Respondent CU QUANG TRAN, as set forth in the Accusation, are a basis for discipline of Respondent’s license, mortgage loan originator (“MLO”) license endorsement, and license rights pursuant to the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (“Code”) sections 10166.05(c), 10166.051(a), 10166.051(b), 10177(d), 10177(g) and/or 10177(j).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

I. SUSPENSION OF MLO LICENSE ENDORSEMENT

All MLO license endorsements and endorsement rights of Respondent under the Real Estate Law are suspended for a period of one hundred and eighty (180) days from the Effective Date of this Decision and Order.

II. MORTGAGE LOAN ORIGINATION EDUCATION

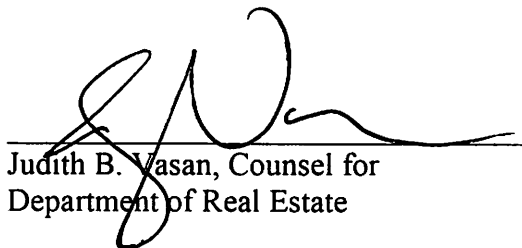
1. Respondent shall, within ninety (90) days from the Effective Date of this Decision and Order, take and complete the following mortgage loan originator education requirements:

- a) Twenty (20) hours of NMLS approved pre-licensure education (“PE”), which shall consist of fourteen (14) hours of federal law curriculum, three (3) hours of ethics curriculum, and three (3) hours of non-traditional mortgage lending curriculum. None of these twenty (20) hours of PE may be state-specific curriculum;
- b) Eight (8) hours of continuing education (“CE”), which shall consist of four (4) hours of federal law curriculum, two (2) hours of ethics curriculum, and two (2) hours of non-traditional mortgage lending curriculum. None of these eight (8) hours of CE may be state-specific curriculum.

V. INVESTIGATION AND ENFORCEMENT COSTS

All licenses and licensing rights of Respondent are indefinitely suspended unless or until Respondent pays the sum of \$1,006.25 for the Commissioner's reasonable costs of the investigation (\$285.30) and enforcement (\$720.95), which led to this disciplinary action. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The payment of the investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the Effective Date of this Decision and Order.

DATED: 7-18-2022


Judith B. Vasan, Counsel for
Department of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation and 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 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including 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.

Respondent shall mail the original signed signature page of the stipulation herein to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by emailing a scanned copy of the signature page, as actually signed by Respondent, to the Department counsel assigned to this case. Respondent agrees, acknowledges, and understands

1 that by electronically sending the Department a scan of Respondent's actual signature as it
2 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
3 binding on Respondent as if the Department had received the original signed Stipulation and
4 Agreement.

5 Respondent's signature below constitutes acceptance and approval of the terms and
6 conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing
7 this Stipulation, Respondent is bound by its terms as of the date of such signatures and that this
8 agreement is not subject to rescission or amendment at a later date except by a separate Decision
9 and Order of the Real Estate Commissioner.

10 DATED: 7/15/2022

DocuSigned by:
Cu Tran
0DDF267A39064F3...

CU QUANG TRAN
Respondent

13 DATED: 7/15/2022

DocuSigned by:
NEGIN YAMINI
BCA08341A2A4473...

Negin Yamini, Esq.
Counsel for Respondent
Approved as to Form

17 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
18 Respondent CU QUANG TRAN and shall become effective at 12 o'clock noon on
19 SEP 12 2022.

20 IT IS SO ORDERED 8.9.22.

22 DOUGLAS R. McCAULEY
23 REAL ESTATE COMMISSIONER

24 Douglas R. McCauley
25
26
27