

**FILED**

**October 14, 2013**

1 TRULY SUGHRUE, Counsel  
2 State Bar No. 223266  
3 Bureau of Real Estate  
4 P.O. Box 137007  
5 Sacramento, CA 95813-7007

BUREAU OF REAL ESTATE



By \_\_\_\_\_

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8  
9 BEFORE THE BUREAU OF REAL ESTATE

10 STATE OF CALIFORNIA

11 \* \* \*

12 In the Matter of the Accusation of )  
13 DAVOUD GOLZAR-FARIBA, )  
14 Respondent. )

No. H-6024 SAC  
ACCUSATION

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16 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the  
17 State of California, for cause of Accusation against DAVOUD GOLZAR-FARIBA  
18 (Respondent), is informed and alleges as follows:

19 PRELIMINARY ALLEGATIONS

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21 The Complainant, Tricia Sommers, a Deputy Real Estate Commissioner of the  
22 State of California, makes this Accusation in her official capacity.

23 2

24 Respondent is presently licensed and/or has license rights under the Real Estate  
25 Law (Part 1 of Division 4 of the Business and Professions Code) (Code) as a real estate  
26 salesperson. At all times until December 15, 2011, Respondent worked under the employ of real  
27 estate broker, Realty 1 Team Inc.

1 3

2 At all times mentioned, Respondent engaged in the business of, acted in the  
3 capacity of, advertised or assumed to act as a real estate licensee in the State of California within  
4 the meaning of Section 10131(a) of the Code, including the operation and conduct of a real estate  
5 resale brokerage with the public wherein, on behalf of others, for compensation or in expectation  
6 of compensation, Respondent sold and offered to sell, bought and offered to buy, solicited  
7 prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the  
8 purchase and resale of real property.

9 FIRST CAUSE OF ACTION

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11 Each and every allegation in Paragraphs 1 through 3, inclusive, is  
12 incorporated by this reference as if fully set forth herein.

13 5

14 On or about October 13, 2010, in the course of the activities described in  
15 Paragraph 3, Respondent entered into a written agreement whereby seller, Rena S. (seller),  
16 granted Respondent, on behalf of Realty 1 Team Inc., exclusive employment and authorization to  
17 sell and offer to sell, solicit prospective purchasers of, and negotiate the purchase and sale of real  
18 property identified as 1301 Merced Way, Tracy, California (property). The agreement did not  
19 contain a definite, specified date of final and complete termination as required by Section  
20 10176(f) of the Code.

21 6

22 On or about December 6, 2010, Respondent made a written offer for the purchase  
23 of the property on behalf of Martins and Laura G. (buyers), and the seller accepted the purchase  
24 offer. Respondent was acting as an agent on behalf of buyers and seller.

25 7

26 The terms of the purchase contract called for the seller to carry back a loan for  
27 the buyers in the amount of \$130,000. The loan terms Respondent arranged and/or negotiated

1 were: 13 percent interest; a monthly interest only payment of \$1,400, paid at \$860 per month  
2 and negative amortization of \$540 per month; and a loan period of up to 2 years. If the buyers  
3 choose to extend the loan for the second year, there was a balloon payment of four points due.

4 8

5 To induce buyers to purchase the property Respondent promised and/or  
6 represented that Respondent would get buyers a new loan after closing. In truth, Respondent  
7 knew or should have known, the buyers did not qualify for conventional financing, due to  
8 buyers' income and credit situation.

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10 On or about December 14, 2010, escrow closed on the purchase.

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12 Respondent failed to find conventional financing for buyers.

13 11

14 The facts described above constitute cause to suspend or revoke all licenses and  
15 license rights of Respondent pursuant to the provisions of Sections 10176(a), 10176(b),  
16 10176(i), 10177(g), and/or 10177(j) of the Code.

17 12

18 The facts alleged in Paragraph 5, is grounds for the suspension or revocation of  
19 Respondent's licenses and license rights under Section 10176(f) of the Code.

20 SECOND CAUSE OF ACTION

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22 Each and every allegation in Paragraphs 1 through 12, inclusive, is  
23 incorporated by this reference as if fully set forth herein.

24 14

25 On or about March 11, 2013, in the Superior Court of the State of California,  
26 County of San Joaquin, Case No. MM125428A, Respondent was convicted of violating Section  
27 23152(b) of the California Vehicle Code (Driving Under the Influence), a misdemeanor and

1 crime which bears a substantial relationship under Section 2910, Title 10, of the California Code  
2 of Regulations (Regulations) to the qualifications, functions or duties of a real estate licensee.

3 15

4 The facts alleged in Paragraph 14 constitute grounds under Sections 490  
5 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of  
6 Respondent under Part 1 of Division 4 of the Code.

7 16

8 At no time prior to May 13, 2013 did Respondent provide notice of the conviction  
9 referenced in Paragraph 14 to the Bureau as required by Section 10186.2 of the Code.

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11 The facts alleged in Paragraph 16 constitute cause under Sections 10177(d) and  
12 10186.2 of the Code for suspension or revocation of Respondent's license under the Real Estate  
13 Law.

14 COST RECOVERY

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16 Section 10106 of the Code provides, in pertinent part, that in any order issued in  
17 resolution of a disciplinary proceeding before the Bureau, the Commissioner may request the  
18 Administrative Law Judge to direct a licensee found to have committed a violation of this part to  
19 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Code, for the cost of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under the provisions of law.

  
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TRICIA SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 9th day of October, 2013

DISCOVERY DEMAND:

Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedures Act*, the Bureau of Real Estate hereby makes demand for discovery pursuant to the guidelines set forth in the *Administrative Procedures Act*. Failure to provide Discovery to the Bureau of Real Estate may result in the exclusion of witnesses and documents at the hearing or other sanctions that the Office of Administrative Hearings deems appropriate.