

1 BUREAU OF REAL ESTATE
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FILED
JUL 09 2015
BUREAU OF REAL ESTATE
By L. Uno

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7
8 BEFORE THE BUREAU OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Accusation of) BRE No. H-6024 SAC
13 DAVOUD GOLZAR-FARIBA,)
14)
15 Respondent.) STIPULATION AND AGREEMENT
) IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between DAVOUD GOLZAR-FARIBA
17 (Respondent), and his counsel, Frank Buda and the Complainant, acting by and through Richard
18 K. Uno, Counsel for the Bureau of Real Estate; as follows for the purpose of settling and
19 disposing of the Accusation filed on October 14, 2013, in this matter:

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

25 2. Respondent has received, read, and understands the Statement to
26 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real
27 Estate in this proceeding.

1 3. On or about October 31, 2013, Respondent filed a Notice of Defense
2 pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on
3 the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said
4 Notice of Defense. Respondent acknowledges that he understands that by withdrawing said
5 Notice of Defense he will thereby waive his right to require the Real Estate Commissioner
6 (Commissioner) to prove the allegations in the Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that he will waive other rights afforded to him in
8 connection with the hearing such as the right to present evidence in defense of the allegations in
9 the Accusation and the right to cross-examine witnesses.

10 4. This Stipulation is based on the factual allegations contained in the
11 Accusation. In the interest of expediency and economy, Respondent chooses not to contest these
12 factual allegations, but to remain silent and understand that, as a result thereof, these factual
13 statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set
14 forth below. The Commissioner shall not be required to provide further evidence to prove such
15 allegations.

16 5. This Stipulation is made for the purpose of reaching an agreed disposition
17 of this proceeding and is expressly limited to this proceeding and any other proceeding or case in
18 which the Bureau of Real Estate (Bureau) or another licensing agency of this state, another state
19 or if the federal government is involved, and otherwise shall not be admissible in any other
20 criminal or civil proceeding.

21 6. It is understood by the parties that the Commissioner may adopt the
22 Stipulation and Agreement In Settlement and Order as his Decision in this matter, thereby
23 imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set
24 forth in the below "Order". In the event that the Commissioner in his discretion does not adopt
25 the Stipulation and Agreement In Settlement and Order, it shall be void and of no effect, and
26 Respondent shall retain the rights to a hearing and proceeding on the Accusation under all the
27 provisions of the APA and shall not be bound by any admission or waiver made herein.

1 right to exercise any privileges granted under this restricted license in the event of:

2 (1) The conviction of Respondent (including a plea
3 of nolo contendere) of a crime which is substantially related to Respondent's fitness or
4 capacity as a real estate licensee; or

5 (2) The receipt of evidence that Respondent has
6 violated Provisions of the California Real Estate Law, the Subdivided Lands Law,
7 Regulations of the Real Estate Commissioner, or conditions attaching to this restricted
8 license.

9 b. Respondent shall not be eligible to apply for the issuance of an
10 unrestricted real estate license nor the removal of any of the conditions, limitations, or
11 restrictions attaching to the restricted license until two (2) years have elapsed from the date of
12 issuance of the restricted license to Respondent.

13 c. With the application for license, or with the application for transfer
14 to a new employing broker, Respondent shall submit a statement signed by the prospective
15 employing real estate broker on a form approved by the Bureau of Real Estate which shall certify
16 as follows:

17 (1) That the employing broker has read the Decision which is
18 the basis for the issuance of a restricted license; and

19 (2) That the employing broker will carefully review all
20 transaction documents prepared by the restricted licensee and otherwise exercise close
21 supervision over the licensee's performance of acts for which a license is required.

22 d. Respondent shall, within nine (9) months from the effective date of
23 this Order, present evidence satisfactory to the Commissioner that Respondent has, since the
24 most recent issuance of an original or renewal real estate license, taken and successfully
25 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
26 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
27 Respondent's real estate license shall automatically be suspended until Respondent presents

1 evidence satisfactory to the Commissioner of having taken and successfully completed the
2 continuing education requirements. Proof of completion of the continuing education courses
3 must be delivered to the Bureau of Real Estate, Flag Section, at P.O. Box 137013, Sacramento,
4 CA 95813-7013.

5 2. Respondent shall, within sixty (60) days of the effective date, pay
6 \$5,092.00 for the reasonable cost of the investigation and enforcement which led to this
7 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
8 Bureau of Real Estate. The investigative and enforcement costs must be delivered to the Bureau
9 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013. If Respondent
10 fails to satisfy this condition in a timely manner as provided herein, Respondent's real estate
11 license shall automatically be suspended until payment is made in full.

12
13 5/8/18

14 DATED

Richard K. Uno

15 RICHARD K. UNO, Counsel III
16 BUREAU OF REAL ESTATE

17 * * *

18 I have read the Stipulation and Agreement in Settlement and Order and its terms
19 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
20 rights given to me by the California Administrative Procedure Act (including but not limited
21 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
22 intelligently, and voluntarily waive those rights, including the right of requiring the
23 Commissioner to prove the allegations in the Accusation at a hearing at which I would have the
24 right to cross-examine witnesses against me and to present evidence in defense and mitigation
25 of the charges.

26 5/7/15

27 DATED

David G. Fariba

DAVOUD GOLZAR-FARIBA

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I have reviewed this Stipulation and Agreement as to form and content and have advised my client accordingly.

5-11-15

DATED



FRANK BUDA
Attorney for Respondent

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock noon on JUL 30 2015

IT IS SO ORDERED

June 9, 2015

REAL ESTATE COMMISSIONER



By: JEFFREY MASON
Chief Deputy Commissioner