

SACTE
1/14/94

1 MARJORIE P. MERSEL, Counsel
Department of Real Estate
2 107 South Broadway, Room 8107
Los Angeles, California 90012
3 (213) 897-3937
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DEC-8 1993
DEPARTMENT OF REAL ESTATE
BY *[Signature]*

8 DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * * *

11 In the Matter of the Accusation of) No. H-25617 LA
12 FARIDEH ESHRAGHI,) A C C U S A T I O N
13 Respondent.)
14 _____)

15 The Complainant, Steven J. Ellis, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against FARIDEH ESHRAGHI (hereinafter "Respondent") is informed
18 and alleges as follows:

19 I

20 The Complainant, Steven J. Ellis, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation in
22 his official capacity.

23 II

24 Respondent is presently licensed and/or has license
25 rights under the Real Estate Law, Part 1 of Division 4 of the
26 California Business and Professions Code (hereinafter the Code).
27 At all times herein mentioned, Respondent was licensed by the

1 Department of Real Estate of the State of California as a real
2 estate salesperson.

3 III

4 At all times herein mentioned, Respondent was licensed
5 by the Department of Real Estate of the State of California as a
6 real estate salesperson subject to Section 10153.4(c) of the
7 Business and Professions Code.

8 IV

9 On or about June 3, 1993, in the Superior Court of the
10 State of California, for the County of Los Angeles, Respondent
11 pled guilty to and was convicted of the crime of violating Penal
12 Code Section 476(A) (Non-Sufficient Funds-Checks), a crime
13 involving moral turpitude.

14 V

15 The crime of which Respondent was convicted, as
16 described in Paragraph IV, above, constitutes cause under Sections
17 490 and 10177(b) of the Code for suspension or revocation of the
18 license and license rights of Respondent under the Real Estate
19 Law.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and, that upon proof
3 thereof, a decision be rendered imposing disciplinary action
4 against the license and license rights of Respondent FARIDEH
5 ESHRAGHI under the Real Estate Law (Part 1 of Division 4 of the
6 Business and Professions Code) and for such other and further
7 relief as may be proper under other applicable provisions of law.
8 Dated at Los Angeles, California
9 this 8th day of December, 1993.

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12 Steven J. Ellis
13 Deputy Real Estate Commissioner
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24 cc: Farideh Eshraghi
25 Century 21 Albert Foulad Rlty.
26 Sacto.
27 CGT

Auto Day

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FILED
AUG 25 1994
DEPARTMENT OF REAL ESTATE

By *Emily J. J. J.*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
FARIDEH ESHRAGEI,)	NO. H-25617 LA
Respondent.)	L-62304

ORDER DENYING RECONSIDERATION

On June 21, 1994, a Decision was rendered in the above-entitled matter. The Decision is to become effective on August 25, 1994.

On July 8, 1994, Respondent petitioned for reconsideration of the Decision of June 21, 1994.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of June 21, 1994, and reconsideration is hereby denied.

IT IS SO ORDERED August 25, 1994.

JOHN R. LIBERATOR
Interim Commissioner

John R. Liberator

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JUL 15 1994

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-25617 LA
)	L-62304
FARIDEH ESHRAGHI,)	
)	
Respondent.)	
)	

ORDER STAYING EFFECTIVE DATE

On June 21, 1994, a Decision was rendered in the above-entitled matter to become effective July 26, 1994.

IT IS HEREBY ORDERED that the effective date of the Decision of June 21, 1994, is stayed for a period of 30 days.

The Decision of June 21, 1994, shall become effective at 12 o'clock noon on August 25, 1994.

DATED: July 15, 1994.

JOHN R. LIBERATOR
Interim Commissioner

By: *[Signature]*
RANDOLPH BRENDIA
Regional Manager

C. Said crime is substantially related to the qualifications, functions, or duties of a real estate salesperson.

4. The facts and circumstances surrounding respondent's conviction are, as follows: On or about May 15, 1992, respondent fraudulently wrote and delivered a \$10,000.00 check, drawn on an account in which she knew there were insufficient funds to honor the check.

5. As mitigation, respondent introduced testimony that her husband actually wrote and delivered the check without her knowledge. Respondent testifies that she suffered the conviction to protect her family. Said testimony does not mitigate respondent's actions or her conviction.¹ Rather, said testimony is an impermissible attempt to collaterally attack the criminal conviction.

6. Respondent is in full compliance with the conditions of her criminal probation.

7. Respondent is an immigrant to the United States from Iran. She has been in the United States for 20 years. She holds a Ph.D. in Education, conferred by the University of Kansas in 1987. Currently, and for the last six years, respondent teaches English as a Second Language at Glendale Community College and supervises five to 17 other teachers.

8. Respondent has been married for 26 years. She and her husband have three children, ages 13, 19, and 21.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

CONCLUSIONS OF LAW

1. Grounds exist to suspend or revoke respondent's real estate salesperson's license pursuant to Business and Professions Code (hereinafter BPC) sections 490 and 10177(b), in

¹ Assuming arguendo that this testimony is true, it shows that respondent was dishonest and deceitful before the criminal tribunal.

that respondent was convicted of a crime involving moral turpitude which is substantially related to the qualifications, functions, or duties of a real estate salesperson, as set forth in Findings 3 and 4 above.

2. Respondent's June 1993, conviction occurred less than one year ago. Respondent is not rehabilitated from that conviction. In fact, respondent has not actually commenced the rehabilitation process. This is shown in part by respondent's refusal to admit that she engaged in any conduct that resulted in the conviction. Respondent's introduction of testimony that the criminal offense was committed by her husband and that she suffered the conviction to protect her family does not mitigate respondent's actions. If one assumes that this testimony is true, it shows that respondent was dishonest and deceitful before the criminal tribunal where she suffered the conviction (Finding 5 above). A real estate licensee acts in a fiduciary position. She must comply with all rules and regulations of the Department and she must act honestly and forthrightly. Respondent failed to demonstrate that she is cognitive of these requirements. At this time, it would be against the public interest for respondent to continue to hold a real estate salesperson's license.

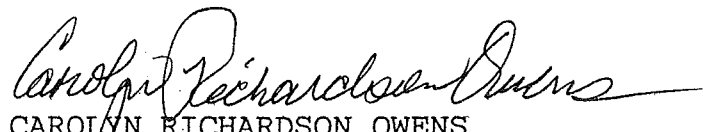
* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

Conditional real estate salesperson's license number 01136770 issued to respondent Farideh Eshraghi is hereby revoked.

DATED: June 8, 1994


CAROLYN RICHARDSON OWENS
Administrative Law Judge
Office of Administrative Hearings

By K. Mederdt

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-25617 LA
)	
FARIDEH ESHRAGHI)	
)	
Respondent.)	
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ORDER GRANTING REINSTATEMENT OF LICENSE

On JUNE 21, 1994, a Decision was rendered herein revoking the real estate salesperson license of Respondent, FARIDEH ESHRAGHI (hereinafter "Respondent"), effective August 25, 1994.

On August 28, 1995, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that grounds do not presently exist to deny the issuance of an unrestricted real estate

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salesperson license to Respondent.

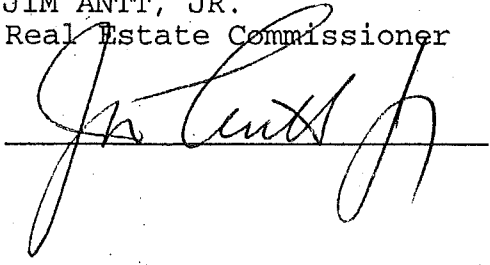
NOW, THEREFORE, IT IS ORDERED that Respondent's
petition for reinstatement is granted and that an
unrestricted real estate salesperson license be issued to
Respondent, FARIDEH ESHRAGHI, after Respondent satisfies the
following conditions within one (1) year from the date of
this Order:

1. Submittal of a completed application and
payment of the fee for a real estate salesperson license.
2. Submittal of evidence satisfactory to the Real
Estate Commissioner that she has taken and successfully
completed the courses specified in paragraphs (1) to (4)
inclusive of subdivision (a) of Section 10170.5 of the Real
Estate Law (effective January 1, 1996) for renewal of a real
estate license.

This Order shall become effective immediately.

DATED: 3/28/96

JIM ANTT, JR.
Real Estate Commissioner



FARIDEH ESHRAGHI
7160 Forest Hills Rd.
West Hills, California 91307