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Department of Real Estate
2 320 West 4th Street, Ste. 350
Los Angeles, California 90013-1105
3
4 Telephone: (213) 576-6911 (direct)
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FILED
APR - 1 2003
DEPARTMENT OF REAL ESTATE
By K. Weeber

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)	DRE No. H-29610 LA
12 OMAR GAAFAR,)	OAH No. L-2002080257
13 Respondent.)	<u>STIPULATION AND</u>
14)	<u>WAIVER AFTER</u>
15)	<u>REJECTION</u>

16 I, OMAR GAAFAR, Respondent herein, acknowledge that I
17 have received and read the Statement of Issues filed by the
18 Department of Real Estate ("Department") on July 22, 2002, and
19 the Statement to Respondent sent to me in connection with the
20 Statement of Issues. Furthermore, I have received and read the
21 Notice of Rejection filed on January 9, 2003.

22 I hereby admit that the allegations contained in the
23 Statement of Issues filed against me on July 22, 2002, are true
24 and correct and constitute a basis for the discipline of my
25 real estate salesperson license.

26 I further acknowledge that the Real Estate
27 Commissioner held a hearing on the Statement of Issues on

1 October 29, 2002, before the Office of Administrative Hearings
2 for the purpose of proving the allegations therein. I was
3 present at the hearing and represented myself. Further, I have
4 had an opportunity to read and review the Proposed Decision of
5 the Administrative Law Judge dated December 2, 2002, wherein it
6 was determined that cause existed to deny my application for a
7 real estate salesperson license, but which granted a right to
8 apply for a restricted real estate salesperson license.

9 I understand that pursuant to Government Code Section
10 11517(c), the Real Estate Commissioner has rejected the
11 Proposed Decision of the Administrative Law Judge. I further
12 understand that pursuant to the same Section 11517(c), the Real
13 Estate Commissioner may decide this case upon the record,
14 including the transcript, without taking any additional
15 evidence, after affording me the opportunity to present written
16 argument to the Real Estate Commissioner.

17 I further understand that by signing this Stipulation
18 and Waiver After Rejection ("Stipulation and Waiver"), I am
19 waiving my right to obtain a dismissal of the Statement of
20 Issues filed July 22, 2002, through proceedings under
21 Government Code Section 11517(c) if this Stipulation and Waiver
22 is accepted by the Real Estate Commissioner. However, I also
23 understand that I am not waiving my rights to further
24 proceedings to obtain a dismissal of the Statement of Issues if
25 this Stipulation and Waiver is not accepted by the Real Estate
26 Commissioner.

27 ///

1 IT IS HEREBY STIPULATED by and between Respondent and
2 the Complainant, acting by and through Elliott Mac Lennan,
3 Counsel for the Department of Real Estate, as follows for the
4 purpose of settling and disposing of the Statement of Issues.

5 A. It is understood by the parties that the Real
6 Estate Commissioner may adopt the Stipulation and Waiver as her
7 decision in this matter, thereby denying Respondents application
8 but granting a right to apply for a restricted conditional
9 license, as set forth in the below Decision and "Order". In the
10 event the Commissioner in her discretion does not adopt the
11 Stipulation and Waiver, the Stipulation and Waiver shall be void
12 and of no effect; the Commissioner will review the transcript and
13 the evidence in the case, and will issue her Decision After
14 Rejection as her decision in this matter.

15 B. By reason of the foregoing and solely for the
16 purpose of settlement of the Statement of Issues without further
17 administrative proceedings, it is stipulated and agreed that the
18 Findings of Fact and Legal Conclusions, which are set out in the
19 Proposed Decision, dated December 2, 2002, and which were
20 rejected by the Commissioner on January 9, 2003, are hereby
21 adopted and incorporated by reference.

22 C. By reason of the foregoing and solely for the
23 purpose of settlement of the Statement of Issues without further
24 administrative proceedings, it is stipulated and agreed the
25 Commissioner shall adopt the following Order:

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ORDER

Respondent's application for a real estate salesperson
license is denied; provided, however, a restricted real estate
salesperson license shall be issued to Respondent pursuant to
Section 10156.5 of the Business and Professions Code if
Respondent applies therefor within ninety (90) days of the date
of this Decision. The restricted license issued to the
Respondent shall be subject to all of the provisions of Section
10156.7 of the Business and Professions Code and to the following
limitations, conditions and restrictions imposed under authority
of Section 10156.6 of said Code:

1. The license shall not confer any property right in
the privileges to be exercised, and the Real Estate Commissioner
may, by appropriate order, suspend the right to exercise any
privileges granted under this restricted license in the event of:
(a) the conviction of Respondent (including a plea of nolo
contendere) of a crime which is substantially related to
Respondent's fitness or capacity as a real estate licensee; or
(b) the receipt of evidence that Respondent has violated
provisions of the California Real Estate Law, the Subdivided
Lands Law, Regulations of the Real Estate Commissioner or
conditions attaching to this restricted license.

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

1 3. With the application for license, or with the
2 application for transfer to a new employing broker, Respondent
3 shall submit a statement signed by the prospective employing real
4 estate broker on a form RE 552 (Rev. 1/99) approved by the
5 Department which shall certify as follows:

6 (a) That the employing broker has read the Decision
7 which is the basis for the issuance of the restricted license;
8 and

9 (b) That the employing broker will carefully review all
10 transaction documents prepared by the restricted licensee and
11 otherwise exercise close supervision over the licensee's
12 performance of acts for which a license is required.

13 4. Respondent's restricted real estate salesperson
14 license is issued subject to the requirements of Section 10153.4
15 of the Business and Professions Code, to wit: Respondent shall,
16 within eighteen (18) months of the issuance of the restricted
17 license, submit evidence satisfactory to the Commissioner of
18 successful completion, at an accredited institution, of two of
19 the courses listed in Section 10153.2, other than real estate
20 principles, advanced legal aspects of real estate, advanced real
21 estate finance or advanced real estate appraisal. If Respondent
22 fails to timely present to the Department satisfactory evidence
23 of successful completion of the two required courses, the
24 restricted license shall be automatically suspended effective
25 eighteen (18) months after the date of its issuance. Said
26 eighteen (18) months after the date of its issuance. Said
27

1 suspension shall not be lifted unless, prior to the expiration of
2 the restricted license, Respondent has submitted the required
3 evidence of course completion and the Commissioner has given
4 written notice to Respondent of lifting of the suspension.

5 5. Pursuant to Section 10154, if Respondent has not
6 satisfied the requirements for an unqualified license under
7 Section 10153.4, Respondent shall not be entitled to renew the
8 restricted license, and shall not be entitled to the issuance of
9 another license which is subject to Section 10153.4 until three
10 years after the date of the issuance of the preceding restricted
11 license.

12
13 Dated: 3-20-03 Elliott Mac Lennan
14 ELLIOTT MAC LENNAN
15 Counsel for Complainant

16 * * *

17 I have read the Stipulation and Waiver After Rejection.
18 Its terms are agreeable and acceptable to me. I understand that
19 I am waiving my rights given to me by the California
20 Administrative Procedure Act (including but not limited to
21 Section 11506, 11508, 11509 and 11513 of the Government Code),
22 and I willing, intelligently, and voluntarily waive those rights.

23
24 Dated: _____ OMAR GAAFAR, Respondent.

1 suspension shall not be lifted unless, prior to the expiration of
2 the restricted license, Respondent has submitted the required
3 evidence of course completion and the Commissioner has given
4 written notice to Respondent of lifting of the suspension.

5 5. Pursuant to Section 10154, if Respondent has not
6 satisfied the requirements for an unqualified license under
7 Section 10153.4, Respondent shall not be entitled to renew the
8 restricted license, and shall not be entitled to the issuance of
9 another license which is subject to Section 10153.4 until three
10 years after the date of the issuance of the preceding restricted
11 license.

12
13 Dated: _____

14 ELLIOTT MAC LENNAN
15 Counsel for Complainant

16 * * *

17 I have read the Stipulation and Waiver After Rejection.
18 Its terms are agreeable and acceptable to me. I understand that
19 I am waiving my rights given to me by the California
20 Administrative Procedure Act (including but not limited to
21 Section 11506, 11508, 11509 and 11513 of the Government Code),
22 and I willing, intelligently, and voluntarily waive those rights.

23 Dated: 3/20/03

24 *Omara GAAFAR*
25 OMAR GAAFAR, Respondent.

1 * * *

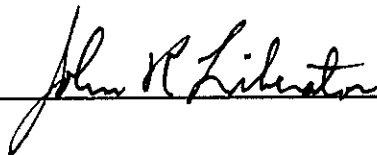
2 I have read the Statement of Issues filed herein,
3 the Proposed Decision of the Administrative Law Judge dated
4 December 2, 2002, and the foregoing Stipulation and Waiver After
5 Rejection signed by Respondent. I am satisfied that it will not
6 be inimical to the public interest to issue a restricted real
7 estate salesperson license to Respondent.

8 Therefore, IT IS HEREBY ORDERED that Respondent's
9 application for a real estate salesperson license be denied but a
10 restricted real estate salesperson license be issued to
11 Respondent OMAR GAAFAR if Respondent has otherwise fulfilled all
12 of the statutory requirements for licensure. The restricted
13 license shall be limited, conditioned and restricted as specified
14 in the foregoing Stipulation and Waiver After Rejection.

15 This Order shall become effective at 12 o'clock noon on
16 APR 21 , 2003.

17
18 IT IS SO ORDERED March 27 , 2003.

19
20 PAULA REDDISH ZINNEMANN
21 Real Estate Commissioner

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23 _____

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25 BY: John R. Liberator
26 Chief Deputy Commissioner
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FILED
JAN - 9 2003
DEPARTMENT OF REAL ESTATE

By R. Krederholt

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Application of)	No. H-29610 LA
OMAR GAAFAR,)	L-2002080257
)	
)	
Respondent.)	
)	

NOTICE

TO: OMAR GAAFAR, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated December 2, 2002, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated December 2, 2002, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on October 29, 2002, and any written argument hereafter submitted on behalf of Respondent and Complainant.

1 Written argument of Respondent to be considered by me
2 must be submitted within 15 days after receipt of the transcript
3 of the proceedings of October 29, 2002, at the Los Angeles office
4 of the Department of Real Estate unless an extension of the time
5 is granted for good cause shown.

6 Written argument of Complainant to be considered by me
7 must be submitted within 15 days after receipt of the argument of
8 Respondent at the Los Angeles office of the Department of Real
9 Estate unless an extension of the time is granted for good cause
10 shown.

11 DATED:

January 7, 2003

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13 PAULA REDDISH ZINNEMANN
14 Real Estate Commissioner

15 Paula Reddish Zinnemann
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BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of:

OMAR GAAFAR,

Respondent.

Agency No. H-29610

OAH No. L-2002080257

PROPOSED DECISION

This matter came on regularly for hearing before Carolyn D. Magnuson, Administrative Law Judge of the Office of Administrative Hearings in Los Angeles, California on October 29, 2002.

Elliott Mac Lennan, Staff Counsel, represented the Complainant.

Omar Gaafar appeared personally and represented himself.

Oral and documentary evidence was received, and the matter was submitted.

FACTUAL FINDINGS

1. Maria Suarez ("Complainant") made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the Department of Real Estate ("Department"), State of California.

2. Omar Gaafar ("Respondent") applied to the Department for a real estate salesperson license on or about October 2, 2001. The Department denied the application, and Respondent appealed the denial. The instant hearing followed.

3. On May 12, 1998, in the Superior Court of the County of Orange, North Justice Center, State of California in Case No. BP98NF0924, Respondent was convicted on his plea of guilty of violating Penal Code section 245(a)(1) ("assault with a deadly weapon"), a misdemeanor involving moral turpitude and substantially related to the functions, qualifications and duties of an agency licensee.

4. The facts and circumstances underlying Respondent's criminal conviction are that Respondent was driving around with some fellow gang members. A bottle was

thrown at their car, and Respondent and his friends pulled over to confront the bottle throwers. Before a fight could begin, the police arrived and arrested Respondent and others. Respondent denies that a pool cue, or any other weapon, was involved. Imposition of sentence was suspended and Respondent was placed on three years' summary probation. Respondent successfully completed probation.

5. On April 24, 1997, in the Superior Court of Orange County California, North Justice Center, in Case number FU97NM03705, Respondent was convicted on his plea of guilty of violating Penal Code section 12020(A) (possession of a deadly weapon) a misdemeanor not necessarily involving moral turpitude nor per se substantially related to the functions, qualifications and duties of an agency licensee.

6. The facts and circumstances underlying the conviction are that a baseball bat was found in Respondent's car trunk. The police believe it was a deadly weapon because there was no other baseball equipment with it in the trunk, the wood of the bat was scarred in a manner that indicated it had been damaged in activities other than baseball, and Respondent was a known gang member. Imposition of sentence was suspended and Respondent was placed on three years' summary probation. Respondent successfully completed probation.

7. At trial, the Respondent also acknowledged an uncharged conviction for possession of a controlled substance. He has successfully completed his probation in this case, as well.

8. Following his 1998 conviction, Respondent turned his life around. He left the gang and no longer associates with its members. According the Respondent, he now works, goes to school, and surfs. In 2000, Respondent attended a technical school where he became a certified systems engineer for Microsoft systems. He uses this training in his work for a company providing computer support services for the California National Guard. He has been working at the same job for two years. In addition, Respondent takes classes at Cypress Community College and plans to obtain a degree from a four-year college or university. Respondent financially supports his parents and two sisters and has purchases a home in which they all live. Respondent's letters of recommendation are very impressive, although it is not clear that all of the writers are aware of Respondent's criminal history.

9. However, when Respondent was asked by a Department representative if he had been a gang member, he denied the affiliation. At trial he did not hesitate to acknowledge his gang membership. Hopefully Respondent has learned that candor is a much better policy.

LEGAL CONCLUSIONS

9. In the absence of a statute to the contrary, the burden of proof is on the applicant for a license or permit. See, *Southern California Jockey Club, Inc. v. California Horse Racing Board* (1950) 36 Cal.2d 167. The standard of proof is a preponderance of the

evidence. See, *Pereyda v. State Personnel Board* (1971) 15 Cal.App.3d 47. A "preponderance of the evidence" means evidence that has more convincing force than that opposed to it. See BAJI 2.60.

10. Business and Professions Code section 480(a) provides:

"a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following: (1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

Business and Professions Code section 10177(b) provides:

"The commissioner may suspend or revoke the license of a real estate licensee, or may deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following: . . .

(b) Entered a plea of guilty or nolo contendere to, or been found guilty of, or been convicted of, a felony or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of an order granting probation following that conviction, suspending the imposition of sentence, or of a subsequent order under Section 1203.4 of the Penal Code allowing that licensee to withdraw his or her plea of guilty and to enter a plea of not guilty, or dismissing the accusation or information."

11. The Respondent's criminal convictions are a basis for denying his application under the provisions of Business and Professions Code section 480(a) and 10177(b). The remaining question is whether Respondent has shown sufficient evidence of good character and rehabilitation that it would be consistent with the public interest to allow him to hold a real estate salesperson license.

12. Title 10 of the California Code of Regulations section 2911 provides:

"The following criteria have been developed by the department pursuant to Section 482(a) of the Business and Professions Code for the purpose of evaluating the rehabilitation of an applicant for issuance or for reinstatement of a license in considering whether or not to deny the issuance or reinstatement on account of a crime or act committed by the applicant:

- (a) The passage of not less than two years since the most recent criminal conviction or act of the applicant that is a basis to deny the departmental action sought. (A longer period will be required if there is a history of acts or conduct substantially related to the qualifications, functions or duties of a licensee of the department.)
- (b) Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the applicant.
- (c) Expungement of criminal convictions resulting from immoral or antisocial acts.
- (d) Successful completion or early discharge from probation or parole.
- (e) Abstinence from the use of controlled substances or alcohol for not less than two years if the conduct which is the basis to deny the departmental action sought is attributable in part to the use of controlled substances or alcohol.
- (f) Payment of the fine or other monetary penalty imposed in connection with a criminal conviction or quasi-criminal judgment.
- (g) Stability of family life and fulfillment of parental and familial responsibilities subsequent to the conviction or conduct that is the basis for denial of the agency action sought.
- (h) Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement.
- (i) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary obligations to others.
- (j) Correction of business practices resulting in injury to others or with the potential to cause such injury.
- (k) Significant or conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems.
- (l) New and different social and business relationships from those which existed at the time of the conduct that is the basis for denial of the departmental action sought.
- (m) Change in attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:
 - (1) Testimony of applicant.
 - (2) Evidence from family members, friends or other persons familiar with applicant's previous conduct and with his subsequent attitudes and behavioral patterns.
 - (3) Evidence from probation or parole officers or law enforcement officials competent to testify as to applicant's social adjustments.
 - (4) Evidence from psychiatrists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances."

12. Respondent has met, indeed has exceeded, most of the applicable rehabilitation criteria of section 2911. It appears that Respondent has turned his life around, although his denial to the Department representative of gang membership is troubling. However, Respondent seems to have learned from this mistake, as well, and the evidence of rehabilitation is sufficient to establish that it would be consistent with the public interest for the Respondent to be issued a properly conditioned license.

ORDER

Respondent's application for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to section 10156.5 of the Business and Professions Code. The restricted license issued to the Respondent shall be subject to all of the provisions of section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of section 10156.6 of said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may, by appropriate order, suspend the right to exercise any privileges granted under this restricted license in the event of:

- a. The conviction of the Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or
- b. The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitation or restrictions attaching to the restricted license until three years have elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form approved by the Department, which shall certify as follows:

- a. That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
- b. That the employing broker will carefully review all the transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Dated: December 2, 2002

Carolyn D. Magnuson
CAROLYN D. MAGNUSON
Administrative Law Judge
Office of Administrative Hearings

not adopted

*Sacto
RGD*

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

FILED
SEP - 9 2002
DEPARTMENT OF REAL ESTATE

In the Matter of the Application of

OMAR GAAFAR,

By *K. M. ...*

Case No. H-29610 LA

OAH No. 2002080257

}
}

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at **320 W. Fourth Street, Ste. 630, Los Angeles, CA** on **October 29, 2002**, at the hour of **10:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 9, 2002

By *Elliot MacLennan*
ELLIOTT MAC LENNAN, Counsel

cc: Omar Gaafar
Sacto/OAH/RGD

*Direct
File*

FILED
JUL 22 2002
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

By *K. Stuederholz*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 OMAR GAAFAR,)
13 Respondent.)

No. H-29610 LA

STATEMENT OF ISSUES

14
15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against OMAR GAAFAR aka Omar Ahmed Gaafar, Omar Elfaroukahmed
18 Gaafar (Respondent) is informed and alleges in her official
19 capacity as follows:

20 1.

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about October 2, 2001, with the knowledge and
24 understanding that any license issued as a result of said
25 application would be subject to Section 10153.4(c) under the Real
26
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1 Estate Law (Part 1 of Division 4 of the California Business and
2 Professions Code) (Code).

3 2.

4 On May 12, 1998, in the Superior Court of California,
5 County of Orange, North Justice Center, respondent was convicted
6 upon a guilty plea to violating one count of Section 245(a)(1)
7 (assault with deadly weapon - pool cue), a misdemeanor, which by
8 its facts and circumstances, involves moral turpitude and is
9 substantially related under Section 2910, Chapter 6, Title 10 of
10 the California Code of Regulations, to the qualifications,
11 functions or duties of a real estate licensee.
12

13 3.

14 This crime constitutes cause for denial of respondent's
15 application for a real estate license under Sections 480(a) and
16 10177(b) of the Code.

17 IN AGGRAVATION

18 4.

19 On April 24, 1997, in the Superior Court of California,
20 County of Orange, North Justice Center, respondent was convicted
21 upon a guilty plea to violating one count of Section 12020(a)
22 (possession of deadly weapon - baseball bat), a misdemeanor.
23 respondent was sentenced to thirty days in jail, and three years
24 summary probation. The crime set forth above was committed while
25 Respondent was on probation for this crime.

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27 ///

1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the California Business and
3 Professions Code and Sections 11500 through 11529 of the
4 California Government Code.

5 WHEREFORE, the Complainant prays that above-entitled
6 matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate salesperson
9 license to Respondent OMAR GAAFAR, and for such other and further
10 relief as may be proper in the premises.
11

12 Dated at Los Angeles, California

13 this *17th day of July 2002.*

14
15 
16 _____
17 Deputy Real Estate Commissioner
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21
22

23 cc: Omar Gaafar
24 Maria Suarez
25 Sacto
26 RGD
27