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2	MAY 22 2012
3	DEPARTMENT OF REAL ESTATE
4	BY:
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7 8	BEFORE THE DEPARTMENT OF REAL ESTATE
9	STATE OF CALIFORNIA
10	* * *
11	
12	In the Matter of the Accusation of)
13	LOAN PROCESSING CENTER INC. doing)No. H-35869 LAbusiness as Applyloanmod.com,)L-2009061123
14	iloanmod.com and LPC; and) MASHEED S. GHAZI, <u>DANNY R. HAYNES</u> ,)
15	and LOUIS LEON PACIFIC, individually) and as former designated officers of)
16	Loan Processing Center Inc.,
17	Respondents
18	ORDER NUNC PRO TUNC MODIFYING DECISION
19	ORDER NONCTRO TONC MODIL THAS DECISION
20	It having been called to the attention of the Real Estate Commissioner that there is
21	an error in the Decision by Stipulation and Agreement dated April 24, 2012, effective May 22,
22	2012, and good cause appearing therefor, the Stipulation and Agreement is amended as follows:
24	Page 8, Paragraph II.A.1, line 20 through 23, are amended to read: "Respondent
25	pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the
_ 26	rate of \$63.33 per day for each day of the forty five (45) day suspension for a total monetary
27	penalty of \$2,850"

1	This Order, Nunc Pro Tunc to April 24, 2012, effective May 22, 2012, shall
2	become effective immediately.
3	IT IS SO ORDERED May 22, 2012.
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5	DEAL ESTATE COMMISSIONED
6	REAL ESTATE COMMISSIONER
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· 8	Willia F. Moran
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10	By WILLIAM E. MORAN Assistant Commissioner, Enforcement
11	Assistant Commissioner, Enforcement
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1	Department of Real Estate	
2	320 West 4th Street, Ste. 350 Los Angeles, California 90013-1105	FILED
3	Telephone: (213) 576-6982 (office)	1621 tita herenzena
4		MAY -2 2012
5	DEP BY:_	ARTMENT OF REAL ESTATE
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7		
8	BEFORE THE DEPARTMENT OF REAL	ESTATE
9	STATE OF CALIFORNIA	
10	* * *	
11	In the Matter of the Accusation of	No. H-35869 LA L-2009061123
12	LOAN PROCESSING CENTER INC. doing) business as Applyloanmod.com,)	
13	iloanmod.com and LPC; and	
14	MASHEED S. GHAZI, <u>DANNY R. HAYNES</u>) and LOUIS LEON PACIFIC individually)	STIPULATION AND
15	and as former designated officers of) Loan Processing Center Inc.	AGREEMENT
16		· · · · · · · · · · · · · · · · · · ·
17	Respondents,	
18	/	
1.9	It is hereby stipulated by and be	tween Respondent
20	DANNY R. HAYNES, (sometimes referred to as	"Respondent"), and the
21	Complainant, acting by and through Elliott	Mac Lennan, Counsel
22	for the Department of Real Estate, as follo	ws for the purpose of
23	settling and disposing of the Second Amende	d Accusation
24	("Accusation") filed on March 9, 2010, in t	his matter:
25	1. All issues which were to be c	ontested and all
26	evidence which was to be presented by Compl	ainant and Respondent
27		
	- 1 -	

at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

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

10 Respondent timely filed a Notice of Defense 3. 11 pursuant to Section 11506 of the Government Code for the purpose 12 of requesting a hearing on the allegations in the Accusation. 13 Respondent hereby freely and voluntarily withdraws said Notice of 14 Defense, Respondent acknowledges that he understands that by 15 withdrawing said Notice of Defense he thereby waives his right to 16 require the Commissioner to prove the allegations in the 17 Accusation at a contested hearing held in accordance with the 18 provisions of the APA and that he will waive other rights 19 afforded to him in connection with the hearing such as the right 20 to present evidence in his defense the right to cross-examine 21 witnesses. 22

4. This Stipulation is based on the factual
allegations contained in the Accusation. In the interest of
expedience and economy, Respondent chooses not to contest these
allegations, but to remain silent and understands that, as a

result thereof, these factual allegations, without being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be required to provide further evidence to prove said factual allegations.

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

6. It is understood by the parties that the Real 14 Estate Commissioner may adopt this Stipulation as his Decision in 15 this matter thereby imposing the penalty and sanctions on 16 Respondent's real estate licenses and license rights as set forth 17 in the "Order" herein below. In the event that the Commissioner 18 in his discretion does not adopt the Stipulation, it shall be 19 void and of no effect and Respondent shall retain the right to a 20 hearing and proceeding on the Accusation under the provisions of 21 the APA and shall not be bound by any stipulation or waiver made 22 23 herein.

The Order or any subsequent Order of the Real
 Estate Commissioner made pursuant to this Stipulation shall not
 constitute an estoppel, merger or bar to any further

- 3 -

administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for Accusation in this proceeding but do constitute a bar, estoppel and merger as to any allegations actually contained in the Accusations against Respondent herein. 8. Respondents understand that by agreeing to this Stipulation, Respondents agree to pay, pursuant to Business and Professions Code Section 10148, the cost of the audit. The amount of said cost for the original audit (LA 080168) is \$15,036.70.

9. Respondents have received, read, and understand the "Notice Concerning Costs of Subsequent Audit". Respondents further understand that by agreeing to this Stipulation, the findings set forth below in the Determination of Issues become final, and the Commissioner may charge Respondents for the cost of any subsequent audit conducted pursuant to Business and Professions Code Section 10148 to determine if the violations have been corrected. The maximum cost of the follow-up audit will not exceed \$15,036.70.

DETERMINATION OF ISSUES

By reason of the foregoing, it is stipulated and agreed that the following determination of issues shall be made:

I.

The conduct of DANNY R. HAYNES, as described in Paragraph 4, above, is in violation of Sections <u>10145</u> and <u>10146</u> of the Business and Professions Code ("Code") and Sections,

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1	2831.1 and 2834 of Title 10, Chapter 6 of the California Code of		
2	Regulations ("Regulations") and is a basis for discipline of		
3	Respondents' licenses and license rights as a violation of the		
4	Real Estate Law pursuant to Code Section <u>10177(d</u>).		
5	II.		
б	The conduct of DANNY R. HAYNES, as described in		
7	Paragraph 4, herein above, constitutes a failure to keep Loan		
8	Processing Center Inc. in compliance with the Real Estate Law		
9	during the time that Respondent was the officer designated of		
10	said corporation, in violation of Code Section 10159.2. This		
11	conduct is a basis for discipline of Respondent's license		
12	pursuant to Code Section 10177(h).		
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ORDER

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2	The real estate broker license of Respondent	
3	DANNY R. HAYNES, under the Real Estate Law is revoked;	
4	provided, however, a restricted real estate salesperson license	
5	shall be issued to Respondent, pursuant to Section 10156.5 of the	
6	Business and Professions Code, if Respondent:	
7	Makes application therefor and pays to the Department	
8	of Real Estate the appropriate fee for the restricted license	
9	within ninety (90) days from the effective date of this Decision.	
10	The restricted license issued to Respondent shall be subject to	
11	all of the provisions of Section 10156.7 of the Code and the	
12	following limitations, conditions and restrictions imposed under	
13	authority of Section 10156.6 of that Code.	
14	1. The restricted license issued to Respondent may be	10000000
15 16	suspended prior to hearing by Order of the Real Estate	
17	Commissioner in the event of Respondent's conviction or plea of	
18	nolo contendere to a crime which is substantially related to	
19	Respondent's fitness or capacity as a real estate licensee.	
20	2. The restricted license issued to Respondent may	1919
21	be suspended prior to hearing by Order of the Real Estate	
22	Commissioner on evidence satisfactory to the Commissioner that	
23	Respondent has violated provisions of the California Real Estate	
24	Law, the Subdivided Lands Law, Regulations of the Real Estate	
25	Commissioner or conditions attaching to the restricted license.	
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3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one (1) year has elapsed from the effective date of the issuance of the restricted license.

4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(a) That the employing broker has read the

Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

19 Respondent shall, within nine (9) months from the 5. 20 effective date of this Decision, present evidence satisfactory to 21 the Real Estate Commissioner that Respondent has, since the most 22 recent issuance of an original or renewal real estate license, 23 taken and successfully completed the continuing education 2.4 requirements of Article 2.5 of Chapter 3 of the Real Estate Law 25 for renewal of a real estate license. If Respondent fails to 26 satisfy this condition, the Commissioner may order the suspension

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of the restricted license until Respondent presents such
evidence. The Commissioner shall afford Respondent the
opportunity for a hearing pursuant to the Administrative
Procedure Act to present such evidence.

6. Respondent DANNY R. HAYNES shall within six (6)
months from the effective date of the Decision herein, take and
pass the Professional Responsibility Examination administered by
the Department including the payment of the appropriate
examination fee. If Respondent fails to satisfy this condition,
the Commissioner may order suspension of Respondent's license
until Respondent successfully passes the examination.

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The restricted real estate salesperson license of Respondent DANNY R. HAYNES under the Real Estate Law is suspended for a period of forty five (45) days from the date of issuance of the restricted license.

II.

A. Provided, however, that if Respondent requests, said forty five day suspension (or a portion thereof) shall be stayed for two (2) years upon condition that:

1. Respondent pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the rate of \$95.00 per day for each day of the thirty day suspension for a total monetary penalty of \$2,850.

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Department prior to the effective date of the Decision in this matter.

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3. No further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision in this matter.

If Respondent fails to pay the monetary penalty in 4. accordance with the terms of the Decision, the Commissioner may, without a hearing, order the immediate execution of all or any part of the stayed suspension, in which event Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision.

If Respondent pays the monetary penalty and if no 5. 13 further cause for disciplinary action against the real estate 14 license of Respondent occurs within two (2) years from the 15 effective date of the Decision, the stay hereby granted shall 16 become permanent. 17

III.

Pursuant to Section 10148 of the Business and 20 Professions Code, Respondent DANNY R. HAYNES jointly and 21 severally, with Louis Leon Pacific, former designated officer of Loan Processing Center Inc., shall pay the Commissioner's 23 reasonable cost for the original audit only which led to this disciplinary action. The cost of the original and subsequent audits which led to this disciplinary action is \$15,036.70. In 26 calculating the amount of the Commissioner's reasonable cost, the

Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work.

Respondent DANNY R. HAYNES shall pay such cost within
60 days of receiving an invoice from the Commissioner detailing
7 the activities performed during the audit and the amount of time
8 spent performing those activities.

The Commissioner may suspend the license of Respondent 9 DANNY R. HAYNES pending a hearing held in accordance with Section 10 11500, et seq., of the Government Code, if payment is not timely 11 made as provided for herein, or as provided for in a subsequent 12 agreement between Respondent DANNY R. HAYNES and the 13 Commissioner. The suspension shall remain in effect until 14 payment is made in full or until Respondent DANNY R. HAYNES 15 enters into an agreement satisfactory to the Commissioner to 16 provide for payment, or until a decision providing otherwise is 17 adopted following a hearing held pursuant to this condition. 18

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ELLIOTT MAC LENNAN, Counsel for the Department of Real Estate

EXECUTION OF THE STIPULATION

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2	EXECUTION OF THE STIPULATION
3	I have read the Stipulation and Agreement. Its terms
4	are understood by me and are agreeable and acceptable to me. I
5	understand that I am waiving rights given to me by the California
6	Administrative Procedure Act (including but not limited to
7	Sections 11506, 11508, 11509 and 11513 of the Government Code),
8	and I willingly, intelligently and voluntarily waive those
9	rights, including the right of requiring the Commissioner to
10	prove the allegations in the Accusation at a hearing at which I
11	would have the right to cross-examine witnesses against me and to
12	present evidence in defense and mitigation of the charges.
13	MAILING AND FACSIMILE
14	Respondent(s) (1) shall mail the original signed
15	signature page of the stipulation herein to Elliott Mac Lennan:
16	Attention: Legal Section, Department of Real Estate, 320 W.
17 18	Fourth St., Suite 350, Los Angeles, California 90013-1105.
10	Additionally, Respondent(s) shall also (2) <u>facsimile</u> a copy of
20	signed signature page, to the Department at the following
21	telephone/fax number: (213) 576-6917, Attention: Elliott Mac
22	Lennan.
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24	111
25	111
26	111
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FAX NO.

1	A facsimile constitutes acceptanco and approval of the	
2	terms and conditions of this stipulation. Respondent(s) agrees,	
٦	acknowledges and understands that by electronically sending to	
4	the Department a facsimile copy of Respondent's actual signature	
5	as it appears on the stipulation, which receipt of the for simile	
6	copy by the Department shall be as binding on Respondent(") as if	
•/	the Department had received the original signed stipulation.	
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10	DATED: 3/9/10 DANNY R. HAINES, Respondent	
11	DANNY R. HATNES, Respondent	
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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent DANNY R. HAYNES and shall become effective at 12 o'clock noon on _ May 22 2012. Ę 2012. IT IS SO ORDERED Real Estate Commissioner WAYNE S. BELL Chief Counsel - 13 -

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10 1	FILED
2	MAY 18 2012
3	DEPARTMENT OF REAL ESTATE
4	BY:
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8	BEFORE THE DEPARTMENT OF REAL ESTATE
• 9	STATE OF CALIFORNIA
10	* * *
11	In the Matter of the Accusation of
12	LOAN PROCESSING CENTER INC. doing) No. H-35869 LA
13	business as Applyloanmod.com, iloanmod.com and LPC; and)L-2009061123
14	MASHEED S. GHAZI, DANNY R. HAYNES,
15	and LOUIS LEON PACIFIC, individually)and as former designated officers of)
16	Loan Processing Center Inc.,)
. 17	Respondents
18	ORDER NUNC PRO TUNC MODIFYING DECISION
19 20	
20	It having been called to the attention of the Real Estate Commissioner that there is
22	an error in the Decision by Stipulation and Agreement dated April 24, 2012, effective May 22,
23	2012, and good cause appearing therefor, the Stipulation and Agreement is amended as follows:
24	Page 5, Paragraph I.A.1, lines 9 through 12, are amended to read: "Respondent
25	pays a monetary penalty pursuant to Section 10175.2 of the Business and Professions Code at the
. 26	rate of \$63.33 per day for each day of the forty five (45) day suspension for a total monetary
27	penalty of \$2,850."
	- 1 -

This Order, Nunc Pro Tunc to April 24, 2012, effective May 22, 2012, shall become effective immediately. 2012. May 11 IT IS SO ORDERED REAL ESTATE COMMISSIONER By WAYNE S. BELL Chief Counsel

•				
	12	Department of Real Estate 320 West 4th Street, Ste. 350 Los Angeles, California 90013-1105	FILED	
	3	Telephone: (213) 576-6982 (office)	MAN D agus	
	4		MAY -2 2012	
	5		EPARTMENT ØF REAL ESTATE	
	6			
	7		•	
	8	BEFORE THE DEPARTMENT OF REA	L ESTATE	
	9	STATE OF CALIFORNIA		
	10	* * *		
	11	In the Matter of the Accusation of)) No. H-35869 LA	
	12	LOAN PROCESSING CENTER INC. doing) L-2009061123	
	13	business as Applyloanmod.com, iloanmod.com and LPC; and)))	
	14	MASHEED S. GHAZI, DANNY R. HAYNES)) STIPULATION	
	15	and LOUIS LEON PACIFIC individually and as former designated officers of Loan Processing Center Inc.) <u>AND</u>) <u>AGREEMENT</u>	
	16))	
	17	Respondents,)	
	18	· · · · · · · · · · · · · · · · · · ·	1	
	19	It is hereby stipulated by and between Respondent		
	20	MASHEED S. GHAZI, (sometimes referred to as "Respondent"),		
	21	represented by Vadim F. Frish, Esq., and th	ne Complainant, acting	
	22	by and through Elliott Mac Lennan, Counsel	for the Department of	
	23	Real Estate, as follows for the purpose of	settling and disposing	
	24	of the Second Amended Accusation ("Accusati	on") filed on March 9,	
	25	2010, in this matter:	· · · · · · · · · · · · · · · · · · ·	
	26	111		
	27	-		
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All issues which were to be contested and all 1. evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

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

12 3. Respondent timely filed a Notice of Defense 13 pursuant to Section 11506 of the Government Code for the purpose 14 of requesting a hearing on the allegations in the Accusation. 15 Respondent hereby freely and voluntarily withdraws said Notice of 16 Defense. Respondent acknowledges that she understands that by 17 withdrawing said Notice of Defense she thereby waives her right 18 to require the Commissioner to prove the allegations in the 19 Accusation at a contested hearing held in accordance with the 20 provisions of the APA and that she will waive other rights 21 afforded to her in connection with the hearing such as the right 22 to present evidence in her defense the right to cross-examine 23 24 witnesses.

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This Stipulation is based on the factual 4. 1 allegations contained in the Accusation. In the interest of 2 expedience and economy, Respondent chooses not to contest these 3 allegations, but to remain silent and understands that, as a 4 result thereof, these factual allegations, without being admitted 5 or denied, will serve as a prima facie basis for the disciplinary б action stipulated to herein. The Real Estate Commissioner shall . 7 not be required to provide further evidence to prove said factual 8 9 allegations.

10 This Stipulation is made for the purpose of 5. 11 reaching an agreed disposition of this proceeding and is 12 expressly limited to this proceeding and any other proceeding or 13 case in which the Department of Real Estate ("Department"), the 14 state or federal government, or any agency of this state, another 15 state or federal government is involved, and otherwise shall not 16 be admissible in any other criminal or civil proceedings. 17

It is understood by the parties that the Real 6. 18 Estate Commissioner may adopt this Stipulation as his Decision in 19 this matter thereby imposing the penalty and sanctions on 20 Respondent's real estate licenses and license rights as set forth 21 in the "Order" herein below. In the event that the Commissioner 22 in his discretion does not adopt the Stipulation, it shall be 23 24 void and of no effect and Respondent shall retain the right to a 25 hearing and proceeding on the Accusation under the provisions of 26 the APA and shall not be bound by any stipulation or waiver made 27

herein.

.1	herein.		
2	7. The Order or any subsequent Order of the Real		
3	Estate Commissioner made pursuant to this Stipulation shall not		
4	constitute an estoppel, merger or bar to any further		
5	administrative or civil proceedings by the Department of Real		
6	Estate with respect to any matters which were not specifically		
7	alleged to be causes for Accusation in this proceeding but do		
8	constitute a bar, estoppel and merger as to any allegations		
9	actually contained in the Accusations against Respondent herein.		
10	DETERMINATION OF ISSUES		
11	By reason of the foregoing, it is stipulated and agreed		
12	that the following determination of issues shall be made:		
13	The conduct of MASHEED S. GHAZI, as described in		
14	Paragraph 4, above, constitutes negligence and is a basis for		
15 16	discipline of Respondent's license pursuant to Code Section		
17	10177(g).		
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ORDER 1 I. 2 All licenses and licensing rights of Respondent MASHEED 3 S. GHAZI under the Real Estate Law are suspended for a period of 4 forty five (45) days from the effective date of this Decision. 5 A. Provided, however, that if Respondent requests, 6 said forty five day suspension (or a portion thereof) shall be 7 stayed for two (2) years upon condition that: 8 1. Respondent pays a monetary penalty pursuant to <u>`</u>9 Section 10175.2 of the Business and Professions Code at the rate 10 of \$95.00 per day for each day of the thirty day suspension for a 11 total monetary penalty of \$2,850. 12 2. Said payment shall be in the form of a cashier's 13 check or certified check made payable to the Recovery Account of 14 the Real Estate Fund. Said check must be received by the 15 Department prior to the effective date of the Decision in this 16 matter. 17 3. No further cause for disciplinary action against 18 the real estate license of Respondent occurs within two (2) years 19 from the effective date of the Decision in this matter. 20 21 If Respondent fails to pay the monetary penalty in 4. 22 accordance with the terms of the Decision, the Commissioner may, 23 without a hearing, order the immediate execution of all or any 24part of the stayed suspension, in which event Respondent shall 25 not be entitled to any repayment nor credit, prorated or 26 otherwise, for money paid to the Department under the terms of 27

this Decision.

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5. If Respondent pays the monetary penalty and if no further cause for disciplinary action against the real estate license of Respondent occurs within two (2) years from the effective date of the Decision, the stay hereby granted shall become permanent.

9 DATED: <u>3-9-10</u>

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ELLIOTT MAC LENNAN, Counsel for the Department of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation and Agreement and discussed 13 it with my counsel. Its terms are understood by me and are 14 agreeable and acceptable to me. I understand that I am waiving 15 rights given to me by the California Administrative Procedure Act 16 (including but not limited to Sections 11506, 11508, 11509 and 17 18 11513 of the Government Code), and I willingly, intelligently and 19 voluntarily waive those rights, including the right of requiring 20 the Commissioner to prove the allegations in the Accusation at a 21 hearing at which I would have the right to cross-examine 22 witnesses against me and to present evidence in defense and 23 mitigation of the charges. 24 111

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MAILING AND FACSIMILE

2 Respondent(s) (1) shall <u>mail</u> the original signed 3 signature page of the stipulation herein to Elliott Mac Lennan: 4 Attention: Legal Section, Department of Real Estate, 320 W. 5 Fourth St., Suite 350, Los Angeles, California 90013-1105. б Additionally, Respondent(s) shall also (2) <u>facsimile</u> a copy of 7 signed signature page, to the Department at the following 8 9 telephone/fax number: (213) 576-6917, Attention: Elliott Mac 10 Lennan. 11 A facsimile constitutes acceptance and approval of the 12 terms and conditions of this stipulation. Respondent(s) agrees, 13 acknowledges and understands that by electronically sending to 14 the Department a facsimile copy of Respondent's actual signature 15 as it appears on the stipulation, which receipt of the facsimile 16 copy by the Department shall be as binding on Respondent(s) as if 17 the Department had received the original signed stipulation. 18 19 20 DATED: 3-9-2010 21 Respondent 22 23 24 25 DATED: FRISH, ESQ. 26 Attorney for MASHEED S. GHAZI, Respondent 27

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondent MASHEED S. GHAZI and shall become May 22 effective at 12 o'clock noon on 2012. 2012. IT IS SO ORDERED Real Estate Commissioner WAYNE S. BELL Chief Counsel