

1 Procedure Act (APA), shall instead and in place thereof be
2 submitted solely on the basis of the provisions of this
3 Stipulation and Agreement.

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

8 3. On May 11, 2010, Respondent filed a Notice of
9 Defense pursuant to Section 11506 of the Government Code for the
10 purpose of requesting a hearing on the allegations in the
11 Accusation. Respondent hereby freely and voluntarily withdraws
12 said Notice of Defense. Respondent acknowledges that he
13 understands that by withdrawing said Notice of Defense he will
14 thereby waive his right to require the Commissioner to prove the
15 allegations in the Accusation at a contested hearing held in
16 accordance with the provisions of the APA and that he will waive
17 other rights afforded to him in connection with the hearing such
18 as the right to present evidence in defense of the allegations in
19 the Accusation and the right to cross-examine witnesses.

20 4. Respondent, pursuant to the limitations set forth
21 below, hereby admits that the factual allegations of the
22 Accusation filed in this proceeding are true and correct and the
23 Real Estate Commissioner shall not be required to provide further
24 evidence of such allegations.

25 5. It is understood by the parties that the Real
26 Estate Commissioner may adopt the Stipulation and Agreement as
27 his Decision in this matter, thereby imposing the penalty and

1 3. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor for the
3 removal of any of the conditions, limitations or restrictions of
4 a restricted license until at least three (3) years have elapsed
5 from the date of issuance of any restricted real estate license.

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

11 (a) That the employing broker has read the Order of
12 the Commissioner which granted the right to a restricted license,
13 and

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


17 5. Respondent shall, within nine (9) months from the
18 effective date of this Decision, present evidence satisfactory to
19 the Real Estate Commissioner that Respondent has, since the most
20 recent issuance of an original or renewal real estate license,
21 taken and successfully completed the continuing education
22 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
23 for renewal of a real estate license. If Respondent fails to
24 satisfy this condition, the Commissioner may order the suspension
25 of the restricted license until the Respondent presents such
26 evidence. The Commissioner shall afford Respondent the
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1 opportunity for a hearing pursuant to the Administrative
2 Procedure Act to present such evidence.

3 6. Respondent shall notify the Commissioner in writing
4 within 72 hours of any arrest by sending a certified letter to
5 the Commissioner at the Department of Real Estate, Post Office
6 Box 187000, Sacramento, CA 95818-7000. The letter shall set
7 forth the date of Respondent's arrest, the crime for which
8 Respondent was arrested and the name and address of the arresting
9 law enforcement agency. Respondent's failure to timely file
10 written notice shall constitute an independent violation of the
11 terms of the restricted license and shall be grounds for the
12 suspension or revocation of that license.

13 DATED:

14 12-8-10

15 
16 LISSETE GARCIA Counsel for Complainant

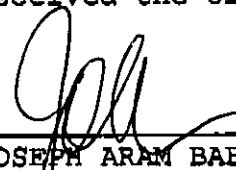
17 * * *

18 I have read the Stipulation and Agreement, have
19 discussed it with my counsel, and its terms are understood by me
20 and are agreeable and acceptable to me. I understand that I am
21 waiving rights given to me by the California Administrative
22 Procedure Act (including but not limited to Sections 11506,
23 11508, 11509 and 11513 of the Government Code), and I willingly,
24 intelligently and voluntarily waive those rights, including the
25 right of requiring the Commissioner to prove the allegations in
26 the Accusation at a hearing at which I would have the right to
27

1 cross-examine witnesses against me and to present evidence in
2 defense and mitigation of the charges.

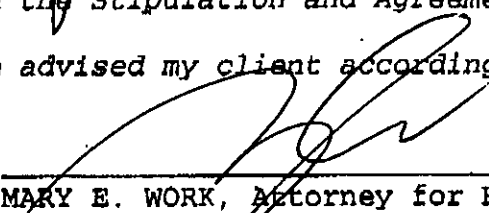
3 Respondent can signify acceptance and approval of the
4 terms and conditions of this Stipulation and Agreement by faxing
5 a copy of the signature page, as actually signed by Respondent,
6 to the Department at fax number (213) 576-6917. Respondent
7 agrees, acknowledges and understands that by electronically
8 sending to the Department a fax copy of his actual signature as
9 it appears on the Stipulation and Agreement, that receipt of the
10 faxed copy by the Department shall be as binding on Respondent
11 as if the Department had received the original signed
12 Stipulation and Agreement.

13 DATED: 12-7-10


14 _____
JOSEPH ARAM BABAJIAN, Respondent

15 I have reviewed the Stipulation and Agreement as to
16 form and content and have advised my client accordingly.

17
18 DATED: 12-7-10


19 _____
MARY E. WORK, Attorney for Respondent

20 * * *

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1 cross-examine witnesses against me and to present evidence in
2 defense and mitigation of the charges.

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7 agrees, acknowledges and understands that by electronically
8 sending to the Department a fax copy of his actual signature as
9 it appears on the Stipulation and Agreement, that receipt of the
10 faxed copy by the Department shall be as binding on Respondent
11 as if the Department had received the original signed
12 Stipulation and Agreement.

13 DATED: _____
14 JOSEPH ARAM BABAJIAN, Respondent

15
16 *I have reviewed the Stipulation and Agreement as to*
17 *form and content and have advised my client accordingly.*

18 DATED: _____
19 MARY E. WORK, Attorney for Respondent

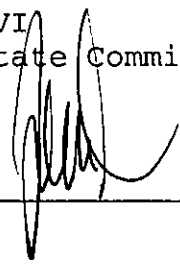
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The foregoing Stipulation and Agreement is hereby
adopted as my Decision in this matter and shall become effective
at 12 o'clock noon on February 2, 2011.

IT IS SO ORDERED 12/30/2010

JEFF DAVIS
Real Estate Commissioner


Secret

1 SHARI SVENINGSON, Counsel (SBN 195298)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

FILED

APR 28 2010

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6907

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * *

| | |
|---|----------------------------|
| 12 In the Matter of the Accusation of) | No. H- 36617 LA |
| 13 JOSEPH ARAM BABAJIAN,) | <u>A C C U S A T I O N</u> |
| 14 Respondent.) | |
| 15 _____) | |

16 The Complainant, Robin Trujillo, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against JOSEPH ARAM BABAJIAN, ("Respondent") alleges as follows:

19 1:

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

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2.

1 Respondent is presently licensed and/or has license
2 rights under the Real Estate Law, Part 1 of Division 4 of the
3 California Business and Professions Code ("Code"), as a real
4 estate salesperson.
5

6 3.

7 (CRIMINAL CONVICTION)

8 On or about February 24, 2010, in the United States
9 District Court Central District of California, in Case No. CR
10 07-00755 DDP, Respondent was convicted of violating Title 12
11 U.S.C. Section 2607 (Accepting Unearned Fees in a Real Estate
12 Transaction), a misdemeanor. On that date Respondent was also
13 ordered to pay restitution in the amount of \$35,585 pursuant to
14 Title 18 U.S.C. Section 3663(A). This crime bears a substantial
15 relationship to the qualifications, functions or duties of a
16 real estate licensee under Section 2910, Title 10, Chapter 6,
17 California Code of Regulations.
18

19 4.

20 The crime of which Respondent was convicted, as
21 described in Paragraph 3, constitutes cause under Sections 490
22 and 10177(b) of the Code for the suspension or revocation of the
23 license and license rights of Respondent under the Real Estate
24 Law.

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26 ///

27 ///

1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all the licenses and license rights of
5 Respondent, JOSEPH ARAM BABAJIAN, under the Real Estate Law
6 (Part 1 of Division 4 of the Business and Professions Code) and
7 for such other and further relief as may be proper under other
8 applicable provisions of law.

9 Dated at Los Angeles, California on 4/27/10

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11 _____
12 Robin Trujillo
13 Deputy Real Estate Commissioner
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23 Cc: JOSEPH ARAM BABAJIAN
24 Rodeo Realty, Inc.
25 Robin Trujillo
26 Sacto.
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