


**FILED**

OCT - 7 2014

**BUREAU OF REAL ESTATE**

By 

1 Bureau of Real Estate  
320 West 4th Street, Suite 350  
2 Los Angeles, California 90013  
3 Telephone: (213) 576-6982  
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7

8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of )  
12 FARAH MAGHSOUDI, ) NO. H-38808 LA  
13 )  
14 Respondent. ) STIPULATION AND AGREEMENT

15 It is hereby stipulated by and between FARAH MAGHSOUDI  
16 ("Respondent") and her attorney of record, Edward O. Lear, Esq.,  
17 and the Complainant, acting by and through Diane Lee, Counsel for  
18 the Bureau of Real Estate, as follows for the purpose of settling  
19 and disposing of the Accusation filed on April 9, 2013 in this  
20 matter:

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

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

6           3. On or about April 23, 2014, Respondent filed a  
7 Notice of Defense pursuant to California Government Code section  
8 11506 for the purpose of requesting a hearing on the allegations  
9 in the Accusation. Respondent hereby freely and voluntarily  
10 withdraws said Notice of Defense. Respondent acknowledges that  
11 she understands that by withdrawing said Notice of Defense, she  
12 will thereby waive her right to require the Commissioner to prove  
13 the allegations in the Accusation at a contested hearing held in  
14 accordance with the provisions of the APA and that she will waive  
15 other rights afforded to her in connection with the hearing, such  
16 as the right to present evidence in defense of the allegations in  
17 the Accusation and the right to cross-examine witnesses.

18           4. Respondent, pursuant to the limitations set forth  
19 below, hereby admits that the factual allegations of the  
20 Accusation filed in this proceeding are true and correct and the  
21 Real Estate Commissioner shall not be required to provide further  
22 evidence of such allegations. The factual allegations are as  
23 follows: On or about February 28, 2011, in the Superior Court of  
24 California, County of Los Angeles, in case no. 1PY00259,  
25 Respondent was convicted of violating California Penal Code  
26 section 484(a) (theft), a misdemeanor. Respondent was sentenced  
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1 to 3 years of summary probation under certain terms and  
2 conditions, including, but not limited to, serve 1 day in Los  
3 Angeles County Jail with 1 day credit, pay various fines and fees  
4 totaling approximately \$2,169, perform 16 days of Cal Trans in  
5 lieu of certain fines, do not associate with/stay 100 yards away  
6 from all Gelson's stores, and submit to search and seizure by any  
7 peace officer without warrant, probable cause, or reasonable  
8 suspicion. The underlying facts are Respondent committed theft  
9 by taking shampoo and conditioner from Gelson's, a supermarket.

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

20           6. The Order or any subsequent Order of the Real  
21 Estate Commissioner made pursuant to this Stipulation and  
22 Agreement shall not constitute an estoppel, merger, or bar to any  
23 further administrative or civil proceedings by the Bureau of Real  
24 Estate with respect to any matters which were not specifically  
25 alleged to be causes for accusation in this proceeding.



1           1. The restricted license issued to Respondent may be  
2 suspended prior to hearing by Order of the Real Estate  
3 Commissioner in the event of Respondent's conviction or plea of  
4 nolo contendere to a crime which is substantially related to  
5 Respondent's fitness or capacity as a real estate licensee.

6           2. The restricted license issued to Respondent may be  
7 suspended prior to hearing by Order of the Real Estate  
8 Commissioner on evidence satisfactory to the Commissioner that  
9 Respondent has violated provisions of the California Real Estate  
10 Law, the Subdivided Lands Law, Regulations of the Real Estate  
11 Commissioner, or conditions attaching to this restricted  
12 license.

13           3. Respondent shall not be eligible to apply for the  
14 issuance of an unrestricted real estate license nor for the  
15 removal of any of the conditions, limitations, or restrictions  
16 of a restricted license until three (3) years have elapsed from  
17 the date of issuance of the restricted license to Respondent.

18           4. Respondent shall submit with any application for  
19 license under an employing broker, or any application for  
20 transfer to a new employing broker, a statement signed by the  
21 prospective employing real estate broker on a form approved by  
22 the Bureau of Real Estate which shall certify: (a) That the  
23 employing broker has read the Decision of the Commissioner which  
24 granted the right to a restricted license; and (b) That the  
25 employing broker will exercise close supervision over the  
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1 performance by the restricted licensee relating to activities  
2 for which a real estate license is required.

3 5. Respondent shall, within nine (9) months from the  
4 effective date of this Decision, present evidence satisfactory to  
5 the Real Estate Commissioner that Respondent has, since the most  
6 recent issuance of an original or renewal real estate license,  
7 taken and successfully completed the continuing education  
8 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
9 for renewal of a real estate license. If Respondent fails to  
10 satisfy this condition, the Commissioner shall order the  
11 suspension of the restricted license until the Respondent  
12 presents such evidence. The Commissioner shall afford Respondent  
13 the opportunity for a hearing pursuant to the Administrative  
14 Procedure Act to present such evidence.

15 6. Respondent shall, within six (6) months from the  
16 effective date of this Decision, take and pass the Professional  
17 Responsibility Examination administered by the Bureau of Real  
18 Estate including the payment of the appropriate examination fee.  
19 If Respondent fails to satisfy this condition, the Commissioner  
20 shall order suspension of Respondent's license until Respondent  
21 passes the examination. The Commissioner shall afford Respondent  
22 the opportunity for a hearing pursuant to the Administrative  
23 Procedure Act to present such evidence.

24 7. Respondent shall notify the Commissioner in  
25 writing within 72 hours of any arrest by sending a certified  
26 letter to the Commissioner at the Bureau of Real Estate, Post  
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1 Office Box 137013, Sacramento, CA 95813-7013. The letter shall  
2 set forth the date of Respondent's arrest, the crime for which  
3 Respondent was arrested, and the name and address of the  
4 arresting law enforcement agency. Respondent's failure to  
5 timely file written notice shall constitute an independent  
6 violation of the terms of the restricted license and shall be  
7 grounds for the suspension or revocation of that license.

8 8. Pursuant to California Business and Professions  
9 Code Section 10106, Respondent shall pay the Commissioner's  
10 reasonable cost for investigation and enforcement of the matter.  
11 The investigation and enforcement cost which led to this  
12 disciplinary action is \$1,315.59. Said payment shall be made  
13 prior to the effective date of the Decision in this matter.  
14 Said payment shall be in the form of a cashier's check or  
15 certified check made payable to the Bureau of Real Estate.

16 The Commissioner shall suspend the licenses of  
17 Respondent pending a hearing held in accordance with California  
18 Government Code Section 11500, et seq., if payment is not timely  
19 made as provided for herein, or as provided for in a subsequent  
20 agreement between the Respondent and the Commissioner. The  
21 suspension shall remain in effect until payment is made in full  
22 or until Respondent enters into an agreement satisfactory to the  
23 Commissioner to provide for payment, or until a decision  
24 providing otherwise is adopted following a hearing held pursuant  
25 to this condition.

1 DATED:

09/03/2014

  
2 DIANE LEE  
Counsel for Complainant

3 \* \* \*

4 I have read the Stipulation and Agreement, have  
5 discussed it with my counsel, and its terms are understood by me  
6 and are agreeable and acceptable to me. I understand that I am  
7 waiving rights given to me by the California Administrative  
8 Procedure Act (including but not limited to California Government  
9 Code Sections 11506, 11508, 11509, and 11513), and I willingly,  
10 intelligently, and voluntarily waive those rights, including the  
11 right of requiring the Commissioner to prove the allegations in  
12 the Accusation at a hearing at which I would have the right to  
13 cross-examine witnesses against me and to present evidence in  
14 defense and mitigation of the charges.

15 Respondent can signify acceptance and approval of the  
16 terms and conditions of this Stipulation and Agreement by faxing  
17 a copy of the signature page, as actually signed by Respondent,  
18 to the Bureau of Real Estate at fax number (213) 576-6917.  
19 Respondent agrees, acknowledges, and understands that by  
20 electronically sending to the Bureau of Real Estate a fax copy  
21 of his actual signature as it appears on the Stipulation and  
22 Agreement, that receipt of the faxed copy by the Bureau of Real  
23 Estate shall be as binding on Respondent as if the Bureau of  
24 Real Estate had received the original signed Stipulation and  
25 Agreement.



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DATED: 09/03/14

Farah Maghsoudi  
FARAH MAGHSOUDI  
Respondent

I have reviewed the stipulation and Agreement as to form and content, and have advised my client accordingly.

DATED: 9/3/14

[Signature]  
EDWARD O. LEAR  
Respondent's Counsel

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

IT IS SO ORDERED \_\_\_\_\_, 2014.

REAL ESTATE COMMISSIONER

\_\_\_\_\_

1 DATED: \_\_\_\_\_

2 FARAH MAGHSOUDI  
3 Respondent

4 I have reviewed the Stipulation and Agreement as to  
5 form and content, and have advised my client accordingly.

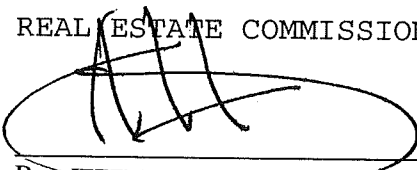
6 DATED: \_\_\_\_\_

7 EDWARD O. LEAR  
8 Respondent's Counsel

9 The foregoing Stipulation and Agreement is hereby  
10 adopted as my Decision in this matter and shall become effective  
11 at 12 o'clock noon on OCT 27 2014

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13 IT IS SO ORDERED SEPTEMBER 23, 2014.

14  
15 REAL ESTATE COMMISSIONER

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17 By: JEFFREY MASON  
18 Chief Deputy Commissioner

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