

**FILED**

**DEC 07 2022**

**DEPT. OF REAL ESTATE**

By \_\_\_\_\_

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013

4 Telephone: (213) 576-6982

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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-42134 LA  |
|  | ) |                 |
| 12 TRILLIANT;                                  | ) |                 |
|  | ) |                 |
| 13 CHRISTIAN ALEXANDER MARDELLI,               | ) | STIPULATION AND |
| 14 individually and as designated officer of   | ) | AGREEMENT FOR   |
| Trilliant; and                                 | ) | MASSIEH SAYED   |
|  | ) | HASHIMI         |
| 15 <u>MASSIEH SAYED HASHIMI</u> , individually | ) |                 |
| 16 and as designated officer of Trilliant,     | ) |                 |
|  | ) |                 |
| 17 Respondents.                                | ) |                 |
|  | ) |                 |

18  
19 It is hereby stipulated by and between Respondents MASSIEH SAYED  
20 HASHIMI (“HASHIMI”), individually and as designated officer of Trilliant, represented  
21 by Fredrick Ray, Esq., and the Complainant, acting by and through Diane Lee, Counsel for  
22 the Department of Real Estate, as follows for the purpose of settling and disposing of the First  
23 Amended Accusation filed on or about May 4, 2022, in this matter:

24 1. All issues which were to be contested and all evidence which were to be  
25 presented by Complainant and Respondent HASHIMI at a formal hearing on the Accusation,  
26 which hearing was to be held in accordance with the provisions of the California Administrative  
27

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

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

6 3. Respondent HASHIMI filed a Notice of Defense pursuant to California  
7 Government Code section 11506 for the purpose of requesting a hearing on the allegations in the  
8 Accusation. Respondent HASHIMI hereby freely and voluntarily withdraws said Notice of  
9 Defense. Respondent HASHIMI acknowledges that he understands that by withdrawing said  
10 Notice of Defense Respondent HASHIMI thereby waives his right to require the Commissioner  
11 to prove the allegations in the First Amended Accusation at a contested hearing held in  
12 accordance with the provisions of the APA and that Respondent HASHIMI will waive other  
13 rights afforded to them in connection with the hearing such as the right to present evidence  
14 in their defense and the right to cross-examine witnesses.

15 4. This Stipulation is based on the factual allegations contained in the First  
16 Amended Accusation. In the interest of expedience and economy, Respondent HASHIMI  
17 chooses not to contest these allegations, but to remain silent and understand that, as a result  
18 thereof, these factual allegations, without being admitted or denied, will serve as a prima facie  
19 basis for the disciplinary action stipulated to herein. The Real Estate Commissioner shall not be  
20 required to provide further evidence to prove said factual allegations.

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

1 6. The Order or any subsequent Order of the Real Estate Commissioner made  
2 pursuant to this Stipulation herein 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  
4 which were not specifically alleged to be causes for Accusation in this proceeding, but do  
5 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in  
6 the First Amended Accusation against Respondent HASHIMI herein.

7 7. Respondent HASHIMI understands that by agreeing to this Stipulation,  
8 Respondent HASHIMI agrees to pay, pursuant to California Business and Professions Code  
9 section 10106, half the cost of the investigation and enforcement. Half the cost of investigation  
10 and enforcement is \$1,946.20. (Cost of investigation and enforcement is \$3,892.40.)

11 8. Respondent HASHIMI understands that by agreeing to this  
12 Stipulation, Respondent HASHIMI agrees to pay, pursuant to California Business and  
13 Professions Code section 10148, one-third of the cost of the audits which led to this disciplinary  
14 action. One-third of amount of the original audit (LA200109) is \$3,340.83. (The amount of the  
15 original audit costs is \$10,022.50.)

16  
17 DETERMINATION OF ISSUES

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

20 The conduct, acts, or omissions of Respondent HASHIMI, as described in the  
21 First Amended Accusation and Paragraph 4, above, are a basis for discipline of Respondent  
22 HASHIMI's license(s) and license rights pursuant to California Business and Professions  
23 Code section 10145 and Title 10, Chapter 6 of the California Code of Regulations, sections 2831,  
24 2832, and 2834.

25 ///  
26 ///  
27 ///

1 ORDER

2 WHEREFORE, THE FOLLOWING ORDER is hereby made:

3  
4 (SUSPENSION)

5 I.

6 All license(s) and licensing rights of Respondent HASHIMI under the Real Estate  
7 Law are suspended for a period of thirty (30) days from the effective date of this Decision;  
8 provided, however, thirty (30) days shall be stayed for two (2) years upon the following terms  
9 and conditions:

10 A. Respondent HASHIMI shall obey all laws, rules, and regulations governing  
11 the rights, duties, and responsibilities of a real estate licensee in the State of California; and

12 B. That no final subsequent determination be made after hearing or upon  
13 stipulation, that cause for disciplinary action occurred within two (2) years from the effective  
14 date of this Decision. Should such a determination be made, the Commissioner may, in his  
15 discretion, vacate, and set aside the stay order and re-impose all or a portion of the stayed  
16 suspension. Should no such determination be made, the stay imposed herein shall become  
17 permanent.

18  
19 (INVESTIGATION AND ENFORCEMENT COSTS)

20 III.

21 Respondent HASHIMI shall, within thirty (30) days from the effective date of this  
22 Decision and Order, pay the sum of \$1,946.20 toward the Commissioner's reasonable cost for  
23 investigation and enforcement which led to this disciplinary action. Said payment shall be in the  
24 form of a cashier's check made payable to the Department of Real Estate. The investigative and  
25 enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box  
26 137013, Sacramento, CA 95813-7013, within thirty (30) days from the effective date of this  
27 Decision and Order. If the costs of investigation and enforcement are not paid within thirty (30)

1 days from the effective date of this Decision and Order, the license(s) and license rights of  
2 Respondent HASHIMI shall automatically be suspended until full payment is made.

3  
4 (AUDIT COSTS)

5 IV.

6 Pursuant to California Business and Professions Code section 10148, Respondent  
7 HASHIMI shall pay \$3,340.83 toward the Commissioner's reasonable cost of audit which led to  
8 this disciplinary action. Respondent HASHIMI shall pay this \$3,340.83 within thirty (30) days  
9 of receiving an invoice therefore from the Commissioner. Payment of audit costs should not be  
10 made until Respondent HASHIMI receives the invoice. If Respondent HASHIMI fails to satisfy  
11 this condition in a timely manner as provided for herein, the real estate license(s) and license  
12 rights of Respondent HASHIMI shall automatically be suspended until payment is made in full,  
13 or until a decision providing otherwise is adopted following a hearing held pursuant to this  
14 condition.

15  
16 (TRUST FUND COURSE)

17 V.

18 Respondent HASHIMI shall, within three (3) months from the effective date of  
19 this Decision and Order, provide proof satisfactory to the Commissioner, of having taken and  
20 successfully completed the continuing education course on trust fund accounting and handling  
21 specified in California Business and Professions Code section 10170.5(a)(3). Proof of  
22 satisfaction of this requirements includes evidence that Respondent HASHIMI has successfully  
23 completed the trust fund account and handling continuing education courses, no earlier than 120  
24 days prior to the effective date of the Decision and Order in this matter. Proof of completion of  
25 the trust fund accounting and handling course must be delivered to the Department of Real  
26 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013 or by fax at (916) 263-  
27 8758, within three (3) months from the effective date of this Decision and Order.

1 DATED: 10/13/2022

  
2 DIANE LEE,  
3 Counsel for Department of Real Estate

4 \* \* \*

5 EXECUTION OF THE STIPULATION

6 I, MASSIEH SAYED HASHIMI, individually and as designated officer  
7 of Trilliant, have read the Stipulation and discussed it with my attorney, Fredrick Ray, Esq. Its  
8 terms are understood by me, and are agreeable and acceptable to me. I understand that I am  
9 waiving rights given to me by the California APA (including, but not limited to, California  
10 Government Code sections 11506, 11508, 11509, and 11513), and I, individually and as  
11 designated officer of Trilliant, willingly, intelligently, and voluntarily waive those rights,  
12 including, but not limited to, the right of requiring the Commissioner to prove the allegations in  
13 the First Amended Accusation at a hearing at which I would have the right to cross-examine  
14 witnesses against me and to present evidence in defense and mitigation of the charges.

15  
16 MAILING AND E-MAIL

17 Respondent HASHIMI shall mail the original signed signature page of  
18 this Stipulation herein to Department of Real Estate, Attention: Legal Section – Diane Lee, 320  
19 West Fourth Street, Suite 350, Los Angeles, California 90013-1105.

20 In the event of time constraints before an administrative hearing, Respondent  
21 HASHIMI can signify acceptance and approval of the terms and conditions of this Stipulation  
22 and Agreement by emailing a scanned copy of the signature page, as actually signed by  
23 Respondent HASHIMI, to the Department counsel assigned to this case. Respondent HASHIMI  
24 agrees, acknowledges, and understands that by electronically sending the Department a scan  
25 of Respondent HASHIMI's actual signature as it appears on the Stipulation and Agreement that  
26 receipt of the scan by the Department shall be binding on Respondent HASHIMI as if the  
27 Department had received the original signed Stipulation.

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Respondents HASHIMI's signature below constitute acceptance and approval of the terms and conditions of this Stipulation. Respondent HASHIMI agrees, acknowledges, and understands that by signing this Stipulation, Respondent HASHIMI is bound by its terms as of the date of such signatures and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: ~~10/13/22~~ Masieh Hashimi  
MASSIEH SAYED HASHIMI

DATED: 10/13/2022 Fredrick M. Ray  
FREDRICK RAY, ESQ.  
Attorney for Respondent MASSIEH SAYED HASHIMI  
*Approved as to Form*

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to Respondents MASSIEH SAYED HASHIMI, and shall become effective at 12 o'clock noon on December 27, 2022.

IT IS SO ORDERED 12.2.22

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER

Douglas R. McCauley