FILED

OCT 26 2011

DEPARTMENT OF REAL ESTATE

By L. Jones

Department of Real Estate
P.O. Box 187007
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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PALLAVI N. SHAH, Respondent.	No. H-11152 SF
ARDENWOOD PLUS, INC., and PALLAVIN N. SHAH.	No. H-11201 SF

STIPULATION AND AGREEMENT

It is hereby stipulated by and between PALLAVI N. SHAH (SHAH) and ARDENWOOD PLUS, INC. (ARDENWOOD) (collectively Respondents), represented by Thomas LaLanne, and the Complainant, acting by and through Truly Sughrue, Counsel for the Department of Real Estate (Department), as follows for the purpose of settling and disposing Accusation H-11152 SF filed on June 7, 2011 and the Order to Desist and Refrain (D&R) H-11201 SF filed August 18, 2011 in these matters:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents at a formal hearing on Accusation H-11152 SF and D&R H-11201 SF, which hearings were 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.

2. SHAH has received, read, and understands the Statement to Respondent, and the Discovery Provisions of the APA filed by the Department in Accusation H-11152 SF.

3. SHAH filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in Accusation H-11152 SF. SHAH hereby freely and voluntarily withdraws said Notice of Defense on Accusation H-11152 SF. SHAH acknowledges that she understands that by withdrawing said Notice of Defense she will thereby waive her right to require the Real Estate Commissioner (Commissioner) prove the allegations in Accusation H-11152 SF at a contested hearing held in accordance with the provisions of the APA, and that she will waive other rights afforded to her in connection with the hearing such as the right to present evidence in defense of the allegations in Accusation H-11152 SF, and the right to cross-examine witnesses.

4. This stipulation is based on the factual allegations contained in Accusation H-11152 SF. In the interest of expediency and economy, SHAH chooses not to contest these factual allegations, but to remain silent and understands that, as a result thereof, these factual statements will serve as a prima facie basis for the "Determination of Issues" and "Order" set forth below. The Commissioner shall not be required to provide further evidence to prove such allegations.

5. This Stipulation and SHAH's decision not to contest Accusation H-11152 SF are made for the purpose of reaching an agreed disposition of this proceeding and are expressly limited to this proceeding and any other proceeding or case in which the Department, the state or federal government, an agency of this state, or an agency of another state is involved.

6. Respondents filed a Notice for the purpose of requesting a hearing on the allegations in D&R H-11201 SF. Respondents hereby freely and voluntarily withdraw said Notice upon the condition that the Stipulation and Agreement entered into in Accusation H-11152 SF, is adopted by the Commissioner. Respondents acknowledge that Respondents understand that by withdrawing said Notice, Respondents will thereby waive their rights to require the Commissioner to prove the allegations in D&R H-11201 SF at a contested hearing held in accordance with the provisions of the APA, and that Respondents will waive other rights afforded to Respondents in connection with the hearing such as the right to present evidence in defense of the allegations in D&R H-11201 SF, and the right to cross-examine witnesses.

7. It is understood by SHAH that the Commissioner may adopt the Stipulation and Agreement as her decision in Accusation H-11152 SF thereby imposing the penalty and sanctions on the real estate licenses and license rights of SHAH as set forth in the below "Order". In the event that the Commissioner in her discretion does not adopt the Stipulation and Agreement, it shall be void and of no effect, and Respondents shall retain the right to a hearing and proceeding on Accusation H-11152 SF and D&R H-11201 SF under all the provisions of the APA, and shall not be bound by any admission or waiver made herein.

8. The Order or any subsequent Order of the Commissioner made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger, or bar to any further administrative or civil proceedings by the Department with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

* * *

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation H-11152 SF without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

I

The acts and omissions of SHAH as described in the First Cause of Action of Accusation H-11152 SF are grounds for the suspension or revocation of SHAH's licenses and license rights under Section 10130 of the Business and Professions Code (Code) in conjunction with Section 10177(d) of the Code.

II

The acts and omissions of SHAH as described in the Second Cause of Action of Accusation H-11152 SF are grounds for the suspension or revocation of Respondent's licenses and license rights under Sections 10177(d) of the Code in conjunction with Section 10085, 10085.5, and 10085.6 of the Code and Section 2970 of the Commissioner's Regulations (Title 10 of the California Code of Regulations) (Regulations).

* * *

ORDER

I

A. All real estate license(s) and license rights of SHAH are revoked.

B. A restricted real estate salesperson license shall be issued to SHAH pursuant to Section 10156.6 of the Code if within ninety (90) days of the effective date of the Order, SHAH makes application therefore and pays to the Department the appropriate fee for said license.

C. The restricted license issued to SHAH shall be subject to all of the provisions of Section 10156.7 of the Code and to the following conditions and limitations imposed under authority of Section 10156.6 of said Code:

1) SHAH shall, prior to and as a condition of the issuance of said restricted license, submit proof satisfactory to the Commissioner of having made reimbursement to Gloria and Thorius Simpson in the amount of $3,000.

2) The restricted license issued to SHAH may be suspended prior to hearing by order of the Commissioner in the event of SHAH's conviction or plea of nolo contendere to a crime which bears a substantial relationship to SHAH's fitness or capacity as a real estate licensee.

3) The restricted license may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that SHAH has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

4) SHAH shall not be eligible to apply for the issuance of an unrestricted real estate license, nor the removal of any of the conditions of the restricted license, until two (2) years have elapsed from the effective date of this Order.

5) SHAH 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 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.

D. SHAH shall, within nine (9) months from the effective date of this Order, present evidence satisfactory to the Commissioner that SHAH has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If SHAH fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until SHAH presents such evidence. The Commissioner shall afford SHAH the opportunity for hearing pursuant to the APA to present such evidence.

E. SHAH shall, within six (6) months from the effective date of this Decision, 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 the license until Respondent passes the examination.

16-Sept-11
DATED

TRULY SUGHRUE
Counsel for Complainant

* * *

I have read the Stipulation and Agreement, discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the APA, and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in Accusation H-11152 SF and D&R H-11201 SF at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

16-9-2011
DATED

PALLAVI N. SHAH
Respondent, and on behalf of Ardenwood Plus, Inc.

***

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

9/16/11
DATED

THOMAS J. LALANNE
Attorney for Respondents

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The foregoing Stipulation and Agreement is hereby adopted as my Decision and shall become effective at 12 o'clock noon on NOV 15 2011, 2011.

IT IS SO ORDERED 10/13, 2011.

BARBARA J. BIGBY
Acting Real Estate Commissioner

TRULY SUGHRUE, Counsel
State Bar No. 223266
Department of Real Estate
P.O. Box 187007
Sacramento, CA 95818-7007

Telephone: (916) 227-0781

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JUN - 7 2011

DEPARTMENT OF REAL ESTATE

By

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of PALLAVI N. SHAH, Respondent.	No. H-11152 SF ACCUSATION

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against PALLAVI N. SHAH (hereinafter "Respondent"), is informed and alleges as follows:

PRELIMINARY ALLEGATIONS

1

The Complainant, E. J. Haberer II, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code") as a real estate salesperson. At no time mentioned was Respondent licensed by the Department as a real estate broker.

3

At no time mentioned was Ardenwood Plus, Inc., (hereinafter "Ardenwood") licensed by the Department in any capacity.

4

At all times mentioned, Respondent engaged in the business of, acted in the capacity of, advertised, or assumed to act as a real estate broker in the State of California within the meaning of:

(a) Section 10131(a) of the Code, including the operation and conduct of a real estate resale brokerage with the public wherein, on behalf of others, for compensation or in expectation of compensation, Respondent sold and offered to sell, bought and offered to buy, solicited prospective sellers and purchasers of, solicited and obtained listings of, and negotiated the purchase and resale of real property; and

(b) Section 10131(d) of the Code, including the operation and conduct of a mortgage loan brokerage business with the public wherein Respondent solicited lenders and borrowers for loans secured directly or collaterally by liens on real property or a business opportunity, and wherein such loans were arranged, negotiated, processed, and consummated by Respondent on behalf of others for compensation or in expectation of compensation.

FIRST CAUSE OF ACTION

5

Each and every allegation in Paragraphs 1 through 4, inclusive, above, is incorporated by this reference as if fully set forth herein.

6

Beginning on or about July 2009, in the course of the activities described in Paragraph 4, Respondent, on behalf of Ardenwood, solicited and/or performed services for borrowers, in connection with loans secured directly or collaterally by liens on real property or on a business opportunity, for or in expectation of compensation. Such activities include, but are not limited to:

BORROWER	PROPERTY ADDRESS
Gloria and Thorjus S.	26 and 28 W. Worth Street, Stockton
Gloria and Thorjus S.	5108 Sandmound Blvd., Oakley
Gloria and Thorjus S.	3069 Bantry Avenue, Oakland

7

By the commission of the acts alleged above, Respondent engaged in the business and acted in the capacity of a real estate broker within the State of California as defined by Section 10131(b) of the Business and Professions Code.

8

The facts alleged above are grounds for the suspension or revocation of the licenses of Respondent under Section 10130 of the Code, in conjunction with 10177(d) of the Code.

SECOND CAUSE OF ACTION

9

Each and every allegation in Paragraphs 1 through 8, inclusive, above, is incorporated by this reference as if fully set forth herein.

10

In connection with the operation and conduct of the real estate activities described in Paragraph 4, Respondent engaged in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of advance fees within the meaning of Sections 10026 and 10131.2 (advance fees) of the Code including but not limited to the following:

PROPERTY OWNER	DATE	ADVANCE FEE
Gloria and Thorjus S.	August 10, 2009	$3,000

11

In connection with the collection and handling of said advance fee, Respondent failed to cause the advance fee contract and all materials used in obtaining the advance fee agreement to be submitted to the Department of Real Estate prior to use as required by Section 10085 of the Code and Section 2970 of Title 10, California Code of Regulations (hereinafter "Regulations").

12

The acts and/or omissions of Respondent described above, constitute violation of Section 10177(d) of the Code in conjunction with Sections 10085, 10085.5, and 10146 of the Code and Section 2970 of the Regulations, and are cause for the suspension or revocation of Respondent's license and license rights.

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

E. J. HABERER II
Deputy Real Estate Commissioner

Dated at Oakland, California,
this 31st day of May, 2011