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FILED

JUN 20 2010

DEPARTMENT OF REAL ESTATE

By *L. Ziri*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of  
  
RYAN RAFFI Koubeserian,  
  
Respondent.

No. H-4065 SD

STIPULATION AND  
AGREEMENT IN  
SETTLEMENT AND ORDER

It is hereby stipulated by and between RYAN RAFFI Koubeserian,  
(Respondent) and his attorney, Brandon M. Smith, and the Complainant, acting by and through  
Angela L. Cash, Counsel for the Department of Real Estate, as follows for the purpose of settling  
and disposing of the Accusation filed on January 21, 2010 in this matter:

1. All issues which were to be contested and all 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 in Settlement and Order.

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.

1           3.       Respondent filed a Notice of Defense pursuant to Section 11505 of the  
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
4 acknowledges that he will thereby waive his right to require the Commissioner to prove the  
5 allegations in the Accusation at a contested hearing held in accordance with the provisions of  
6 the APA and that he will waive other rights afforded to him in connection with the hearing such  
7 as the right to present evidence in defense of the allegations in the Accusation and the right to  
8 cross-examine witnesses.

9           4.       Respondent, pursuant to the limitations set forth below, hereby admits  
10 that the factual allegations in Paragraphs 1 through 3 of the Accusation filed in this proceeding  
11 are true and correct and the Real Estate Commissioner shall not be required to provide further  
12 evidence to prove such allegations.

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

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

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1 DETERMINATION OF ISSUES

2 By reason of the foregoing stipulations, admissions, and waivers and solely for  
3 the purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed  
4 that the facts alleged above are grounds for suspension or revocation of the license and license  
5 rights of Respondent RYAN RAFFI Koubeserian under the following provisions of the  
6 California Business and Professions Code (the Code): Sections 490 and 10177(b) of the Code.

7 ORDER

8 1. All licenses and licensing rights of Respondent RYAN RAFFI  
9 Koubeserian under the Real Estate Law are revoked; provided, however, a restricted real  
10 estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the  
11 Code if Respondent makes application therefore and pays to the Department of Real Estate the  
12 appropriate fee for the restricted license within 90 days from the effective date of this Order.

13 2. The restricted license issued to Respondent shall be subject to all of the  
14 provisions of Section 10156.7 of the Code as to the following limitations, conditions and  
15 restrictions imposed under authority of Section 10156.6 of that Code:

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

20 4. The restricted license issued to Respondent may be suspended prior to hearing  
21 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
22 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
23 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
24 license.

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


4                   6. With the application for license, or with the application for transfer to a new  
5 employing broker, Respondent shall submit a statement signed by the prospective employing  
6 real estate broker on a form approved by the Department which shall certify as follows:

7                   (a) That the employing broker has read the Decision which is the basis for  
8 the issuance of the restricted license; and

9                   (b) That the employing broker will carefully review all transaction  
10 documents prepared by the restricted licensee and otherwise exercise  
11 close supervision over the licensee's performance of acts for which a  
12 license is required.

13                   7. Respondent shall, within nine months from the effective date of this Order,  
14 present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the  
15 most recent issuance of an original or renewal real estate license, taken and successfully  
16 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate  
17 Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the  
18 Commissioner may order the suspension of the restricted license until the Respondent presents  
19 such evidence. The Commissioner shall afford Respondent the opportunity for a hearing  
20 pursuant to the Administrative Procedure Act to present such evidence.

21  
22                   6/9/10  
23 \_\_\_\_\_  
DATED

21  
22   
23 \_\_\_\_\_  
ANGELA L. CASH, Counsel  
DEPARTMENT OF REAL ESTATE

24                   \* \* \*

25  
26                   I have read the Stipulation and Agreement in Settlement and Order, have  
27 discussed it with my counsel, and its terms are understood by me and are agreeable and

1 acceptable to me. I understand that I am waiving rights given to me by the California  
 2 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and  
 3 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those  
 4 rights, including the right of requiring the Commissioner to prove the allegations in the  
 5 Accusation at a hearing at which I would have the right to cross-examine witnesses against me  
 6 and to present evidence in defense and mitigation of the charges.

7  
 8 5/19/10  
 9 DATED

  
 RYAN RAFFI KOUBESERIAN  
 Respondent

10  
 11 *I have reviewed the Stipulation and Agreement as to form and content and have*  
 12 *advised my client accordingly.*

13 5/19/10  
 14 DATED

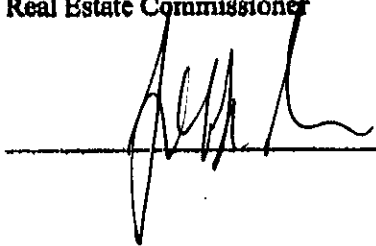
  
 BRANDON M. SMITH  
 Attorney for Respondent

16 \* \* \*

17 The foregoing Stipulation and Agreement in Settlement is hereby adopted by the  
 18 Real Estate Commissioner as his Decision and Order and shall become effective at 12 o'clock  
 19 noon on JUL 12 2010

20 IT IS SO ORDERED

6-16-2010

22 JEFF DAVI  
 Real Estate Commissioner  


FILED

JAN 21 2010

DEPARTMENT OF REAL ESTATE

*H. M. W.*

1 ANGELA L. CASH, Counsel (SBN 230882)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

4 Telephone: (916) 227-0789  
5 -or- (916) 227-0805 (Direct)

6 BEFORE THE DEPARTMENT OF REAL ESTATE

7 STATE OF CALIFORNIA

8 \* \* \*

9 In the Matter of the Accusation of )  
10 RYAN RAFFI Koubeserian, )  
11 Respondent. )  
12

No. H-4065 SD

ACCUSATION

13 The Complainant, Joseph Aiu, a Deputy Real Estate Commissioner of the State  
14 of California (hereinafter "Complainant"), for cause of Accusation against RYAN RAFFI  
15 Koubeserian (hereinafter "Respondent"), is informed and alleges as follows:

16 1

17 Complainant makes this Accusation in his official capacity.

18 2

19 Respondent is presently licensed and/or has license rights under the Real Estate  
20 Law (Part 1 of Division 4 of the Business and Professions Code) (hereinafter "Code") as a real  
21 estate salesperson.

22 3


23 On approximately January 6, 2009, in the Superior Court, County of San Diego,  
24 Respondent was convicted of a violation of Section 32 of the California Penal Code (Accessory  
25 to a Felony), a misdemeanor which bears a substantial relationship under Section 2910, Title 10,  
26 California Code of Regulations, to the qualifications, functions, or duties of a real estate licensee.

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The facts alleged above constitute cause under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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 of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under the provisions of law.

  
JOSEPH AIU  
Deputy Real Estate Commissioner

Dated at San Diego, California,  
this 17 day of December 2009.