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1 Department of Real Estate
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3 Los Angeles, CA 90013-1105
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FILED

JUN 08 2021

DEPT. OF REAL ESTATE

By *Zai J*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Application of)	No. H-05196 SD
12 RAFAH ALKHAFI,)	STIPULATION AND WAIVER
13 Respondent.)	(B&P 10100.4)
14)	

15 I, RAFAH ALKHAFI, ("Respondent") do hereby affirm that I have applied to
16 the Department of Real Estate for a real estate salesperson license, and that to the best of my
17 knowledge I have satisfied all of the statutory requirements for the issuance of the license
18 including, but not limited to, the payment of the fee therefor.

19 I acknowledge that I have received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department on January 7, 2021, in connection with my
21 application for a real estate salesperson license. I understand that the Real Estate Commissioner
22 ("Commissioner") may hold a hearing on the Statement of Issues for the purpose of requiring
23 further proof of my honesty and truthfulness and to prove other allegations therein, or that he
24 may in his discretion waive the hearing and grant me a restricted real estate salesperson license
25 based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues
26 in this matter the Commissioner is shifting the burden to me to make a satisfactory showing that
27 I meet all the requirement for issuance of a real estate salesperson license. I further understand

1 that by entering into this Stipulation and Waiver I will be stipulating that the Commissioner has
2 found that I have failed to make such a showing, thereby justifying the denial of the issuance of
3 an unrestricted real estate salesperson license to me.

4 I agree that there are grounds to deny the issuance of an unrestricted real estate
5 salesperson license to me pursuant to California Business and Professions Code ("Code")
6 Sections 475(a)(2), 480(a)(1), and 10177(b) for the following May 9, 2017 convictions in Los
7 Angeles County Case No. SCE361250: California Penal Code ("PC") Section 240 (assault); PC
8 Section 236/237(A) (false imprisonment) and PC Section 591.5 (damage wireless
9 communication device to prevent assistance).¹

10 I hereby admit that the allegations of the Statement of Issues filed against me are
11 true and correct and request that the Real Estate Commissioner in his discretion issue a restricted
12 real estate salesperson license to me under the authority of Code Section 10156.5. I understand
13 that any such restricted license will be issued subject to the provisions and limitations of Code
14 Sections 10156.6 and 10156.7.

15 I am aware that by signing this Stipulation and Waiver, I am waiving my right to
16 a hearing and the opportunity to present evidence at the hearing to establish my rehabilitation in
17 order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver is
18 accepted by the Commissioner. However, I am not waiving my right to a hearing and to further
19 proceedings to obtain a restricted or unrestricted license if this Stipulation and Waiver is not
20 accepted by the Commissioner.

21 I agree that by signing this Stipulation and Waiver, the conditions, limitations,
22 and restrictions imposed on my restricted license, identified below, may be removed only by
23 filing a Petition for Removal of Restrictions ("Petition") with the Real Estate Commissioner, and
24 that my petition must follow the procedures set forth in Government Code Section 11522.

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27 ¹ On March 4, 2021, Respondent's convictions in Los Angeles County Case No. SCE361250 for violation of PC
240, 236/237(A), and 591.5 were dismissed pursuant to PCD 1203.4.

1 I further understand that the restricted license issued to me shall be subject to all
2 of the provisions of Section 10156.7 of the Code and to the following limitations, conditions and
3 restrictions imposed under authority of Section 10156.6 of the Code:

4 1. The restricted license shall not confer any property right in the privileges to be
5 exercised, including the right of renewal, and the Commissioner may by appropriate
6 order suspend the right to exercise any privileges granted under the restricted license
7 in the event of:

8 a. Respondent's conviction (including a plea of *nolo contendere*) of a
9 crime that bears a substantial relationship to Respondent's fitness or
10 capacity as a real estate licensee; or

11 b. The receipt of evidence that Respondent has violated provisions of the
12 California Real Estate Law, the Subdivided Lands Law, Regulations of the
13 Real Estate Commissioner, or conditions attaching to this restricted
14 license.

15 2. Respondent shall not be eligible to petition for the issuance of an unrestricted
16 real estate license nor the removal of any of the conditions, limitations, or restrictions
17 attaching to the restricted license until two (2) years have elapsed from the date of
18 issuance of the restricted license to Respondent. Respondent shall not be eligible to
19 apply for any unrestricted licenses until all restrictions attaching to the license have
20 been removed.

21 3. With the application for license, or with the application for transfer to a new
22 employing broker, Respondent shall submit a statement signed by the prospective
23 employing broker on a form approved by the Department of Real Estate wherein the
24 employing broker shall certify as follows:

25 a. That broker has read the Decision which is the basis for the issuance of
26 the restricted license; and

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

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

5-6-21
Dated


Julie L. To, Counsel
Department of Real Estate

* * *

I have read the Stipulation and Waiver, 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 California Administrative Procedure Act (including, but not limited to, California Government Code Sections 11504, 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights, including, but not limited to, the right to a hearing on a Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by sending a hard copy of the original signed signature page(s) of the Stipulation herein to Julie L. To, Legal Section, Department of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105. In the event of time constraints before an administrative hearing, Respondent can signify acceptance and approval of the terms and

1 conditions of this Stipulation and Agreement by e-mailing a scanned copy of the signature page,
2 as actually signed by Respondent, to the Department counsel assigned to this case. Respondent
3 agrees, acknowledges, and understands that by electronically sending to the Department a scan of
4 Respondent's actual signature as it appears on the Stipulation and Waiver, that receipt of the scan
5 by the Department shall be binding on Respondent as if the Department had received the original
6 signed Stipulation and Waiver.

7
8 4/30/2021
Dated


RAFAH ALKHAFAJI, Respondent

9 * * *

10 I have read the foregoing Stipulation and Waiver signed by Respondent. I am
11 satisfied that the hearing for the purpose of requiring further proof as to the honesty and
12 truthfulness of Respondent need not be called and that it will not be inimical to the public
13 interest to issue a restricted real estate salesperson license to Respondent.

14 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson
15 license be issued to Respondent RAFAH ALKHAFAJI, if Respondent has otherwise fulfilled all
16 of the statutory requirements for licensure. The restricted salesperson license shall be limited,
17 conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

18 This Order is effective immediately.

19 IT IS SO ORDERED 06-3-21

20 REAL ESTATE COMMISSIONER

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23 
24 DOUGLAS R. McCAULEY
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