

1 BUREAU OF REAL ESTATE
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FILED

SEP 18 2013

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BUREAU OF REAL ESTATE

By K. Contreras

7
8 BEFORE THE BUREAU OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12)
13 GOLDEN STATE FINANCING,)
14 FARIDOON LODIN, and)
15 TIMMEY NAWABI,)
Respondents.)

NO. H-5205 SAC

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER
(As to FARIDOON LODIN Only)

16 It is hereby stipulated by and between Respondent FARIDOON LODIN (herein
17 the "Respondent"), represented in this matter by attorney Mary Work, and the Complainant, acting
18 by and through Daniel E. Kehew, Counsel for the Bureau of Real Estate (herein "the Bureau"),
19 as follows for the purpose of settling and disposing of the Accusation filed on April 29, 2009, in
20 this matter:

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

26 2. Respondent has received, read and understands the Statement to Respondent,
27 the Discovery Provisions of the APA, and the Accusation filed by the Bureau in this proceeding.

1 3. Respondent's Notice of Defense was filed on May 5, 2009, pursuant to
2 Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations
3 in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense.
4 Respondent acknowledges that he understands that by withdrawing said Notice of Defense he
5 will thereby waive his right to require the Real Estate Commissioner (herein "Commissioner")
6 to prove the allegations in the Accusation at a contested hearing held in accordance with the
7 provisions of the APA and that he will waive other rights afforded to him in connection with the
8 hearing such as the right to present evidence in defense of the allegations in the Accusation and
9 the right to cross-examine witnesses.

10 4. Respondent, pursuant to the limitations set forth below, hereby admits that
11 the factual allegations pertaining to him in the Accusation filed in this proceeding are true and
12 correct and the Commissioner shall not be required to provide further evidence of such
13 allegations.

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

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

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

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

11 D. Respondent shall not be eligible to apply for the issuance of an unrestricted
12 real estate license nor the removal of any of the conditions, limitations, or restrictions attaching
13 to the restricted salesperson license until two (2) years have elapsed from the date of issuance of
14 the restricted license to Respondent.

15 E. Respondent shall submit with any application for license under an
16 employing broker, or with the application for transfer to a new employing broker, a statement
17 signed by the prospective employing broker on a form approved by the Bureau wherein the
18 employing broker shall certify as follows:

- 19 1. That the employing broker has read the Accusation that is the
20 basis for the issuance of the restricted license; and,
21 2. That the employing broker will exercise close supervision over
22 the Respondent's performance relating to acts for which a
23 license is required.

24 F. Respondent shall, within nine (9) months from the effective date of this
25 Decision, present evidence satisfactory to the Commissioner that Respondent has, since the most
26 recent issuance of an original or renewal real estate license, taken and successfully completed the
27 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal

1 of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may
2 order the suspension of the restricted license until the Respondent presents such evidence. The
3 Commissioner shall afford Respondent the opportunity for hearing pursuant to the APA to
4 present such evidence.

5 G. Respondent shall, within six (6) months from the issuance of the restricted
6 real estate license, take and pass the Professional Responsibility Examination administered by the
7 Department, including the payment of the appropriate examination fee. If Respondent fails to
8 satisfy this condition, the Commissioner may order the suspension of the restricted license until
9 Respondent passes the examination.

10 9/17/12

11 DATED

Daniel E. Kehew

DANIEL E. KEHEW, Counsel
Department of Real Estate

13 * * *

14 I have read the Stipulation and Agreement and its terms are understood by me and
15 are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
16 California APA (including but not limited to Sections 11506, 11508, 11509, and 11513 of the
17 Government Code), and I willingly, intelligently, and voluntarily waive those rights, including
18 the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at
19 which I would have the right to cross-examine witnesses against me and to present evidence in
20 defense and mitigation of the charges.

21 3-2-7-2012

22 DATED

Faridoon Lodin

FARIDOON LODIN, Respondent

23
24 APPROVED AS TO FORM:

25
26 9/11/2012

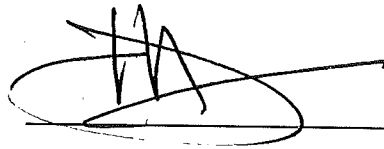
27 DATED

Mary Work
MARY WORK
Counsel to Respondent

The foregoing Stipulation and Agreement in Settlement and Order is hereby
adopted by me as my Decision in this matter as to Respondent FARIDOON LODIN, only, and
shall become effective at 12 o'clock noon on OCT - 8 2013.

IT IS SO ORDERED SEPTEMBER 13, 2013.

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to be 'JM', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

By: JEFFREY MASON
Chief Deputy Commissioner