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FILED

JAN 25 2005

DEPARTMENT OF REAL ESTATE

By Jean Armit

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of	)	No. H-5350 SF
	)	
FEREIDOUN SHARIF,	)	
	)	
	)	
Respondent.	)	

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 1, 1984, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on April 12, 1984, and said license expired on April 11, 1988.

On December 16, 2003, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence and arguments in support thereof including Respondent's

1 record as a restricted licensee. Respondent has demonstrated to  
2 my satisfaction that Respondent meets the requirements of law for  
3 the issuance to Respondent of an unrestricted real estate  
4 salesperson license and that it would not be against the public  
5 interest to issue said license to Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's  
7 petition for reinstatement is granted and that a real estate  
8 salesperson license be issued to Respondent if Respondent  
9 satisfies the following conditions within nine months from the  
10 date of this Order:

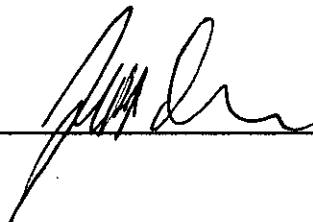
11 1. Submittal of a completed application and payment of  
12 the fee for a real estate salesperson license.

13 2. Submittal of evidence of having, since the most  
14 recent issuance of an original or renewal real estate license,  
15 taken and successfully completed the continuing education  
16 requirements of Article 2.5 of Chapter 3 of the Real Estate Law  
17 for renewal of a real estate license.

18 This Order shall be effective immediately.

19 DATED: 1/11, 2005.

20 JEFF DAVI  
21 Real Estate Commissioner

22   
23  
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27

FILED  
MAR 6 - 1984

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Roshni R. Kalidin  
Roshni R. Kalidin

In the Matter of the Accusation of )  
FEREIDOUN SHARIF, )  
Respondent. )  
\_\_\_\_\_ )

No. H-5350 SF

DECISION

The Proposed Decision dated February 3, 1984, of the Administrative Law Judge of the Office of Administrative Hearings has been considered by me.

Pursuant to Section 11517(b) of the Government Code of the State of California, the disciplinary action imposed upon respondent is reduced by modifying the Order of the Proposed Decision to be as follows:

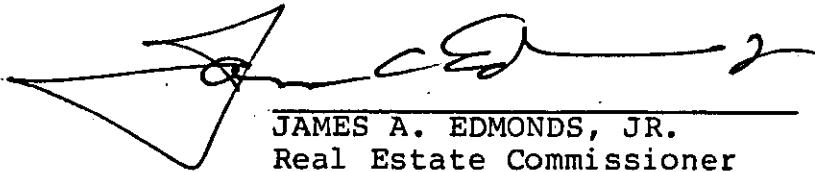
"2. A restricted real estate salesperson license shall be issued to said respondent pursuant to Section 10156.5 of the Business and Professions Code if respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for said license within 90 days from the effective date of the Decision herein.

Condition 3 F. of the Order of the Proposed Decision is not adopted and shall not be part of the Decision.

Except as hereby modified and amended, the Proposed  
Decision dated February 3, 1984, is hereby adopted as the  
Decision of the Real Estate Commissioner.

This Decision shall become effective at 12 o'clock  
noon on MARCH 26th, 1984.

IT IS SO ORDERED March 1, 1984.



JAMES A. EDMONDS, JR.  
Real Estate Commissioner

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of )  
FEREIDOUN SHARIF, )  
Respondent. )  
\_\_\_\_\_ )

NO. H-5350 SF  
N 21898

PROPOSED DECISION

This matter came before Paul J. Doyle, Administrative Law Judge, State of California, Office of Administrative Hearings, on January 30, 1984, in San Francisco, California.

Joseph McGovern, Counsel, represented the complainant.

Respondent was present and was represented by his attorney John S. Yohanan of 10413 Torre Avenue, Cupertino, California 95014.

The matter was submitted and the following decision is hereby proposed and recommended for adoption:

FINDINGS OF FACT

I

Respondent, Fereidoun Sharif, is licensed and has license rights under California Real Estate Law.

II

At all times herein mentioned, respondent was licensed as a real estate salesperson by the Department of Real Estate of the State of California. This license is scheduled to expire on July 20, 1985.

III

Complainant Edward V. Chiolo, a Deputy Real Estate Commissioner of the State of California, acting in such official capacity and not otherwise, made the accusation against respondent.

IV

On April 18, 1983, in the Superior Court of the State of California, County of Santa Clara, in case No. 85489 respondent entered a plea of nolo contendere and was convicted of violating Section 11352 of the California Health and Safety Code (Sale of Codeine), a felony.

V

The following supplemental facts were also established:

1. Although the criminal complaint originally charged the sale of morphine and cocaine, the court later amended that charge to read the sale of codeine (only). In fact, the controlled substance that was illegally sold by respondent was 2 grams of burnt opium for the sum as respondent maintains, of \$100. Respondent contends he made no profit from this sale.
2. It is the only known illegal sale of a controlled substance which respondent has made.
3. And that sale was to an undercover police officer when respondent was employed, full-time, as a waiter in a restaurant. The contention that respondent so acted because he feared another person, who was and is a constant patron of said restaurant, was not convincing.
4. As a result of the subject conviction the execution of sentencing by the court was suspended for five years as of May 19, 1983. Respondent was released on probation on certain terms and conditions, among which are: that he pay a fine of \$1,500 plus a penalty assessment of \$750, and that he perform 200 hours of volunteer work. To date respondent has paid \$700 of the fine and penalty assessment and will shortly commence performing the volunteer work at a center in San Jose, California.
5. Mr. Sharif is 26 years of age and was recently married. He migrated to the United States in September of 1976 and is not a citizen of this country. In May of 1980, by reason of the revolution in his native country of Iran, he filed for asylum in the United States. That application is currently being processed.
6. Originally when licensed he was a full-time real estate salesperson dealing principally in residential properties. By reason of a poor income from this occupation in 1982 he then became a full-time restaurant waiter and a part-time real estate salesperson. Currently he does not seek any new real estate clients but services his old clients on request, on weekends and during his lunch breaks.

DETERMINATION OF ISSUES

A

All section references hereinafter are to the California Business and Professions Code.

B

Under the circumstances of this case it is difficult to determine the substantial relationship between the crime for which respondent was convicted and his subject real estate profession--as required by Section 490. However, cause for the imposition of disciplinary action against respondent's license exists both under Section 10177(b) by reason of his having been convicted of a felony and under Section 10177(f) by reason since he conducted himself in a manner which would have warranted the denial of a real estate license.

ORDER

1. The license and licensing rights of respondent, Fereidoun Sharif, to act as a real estate salesperson in the State of California is hereby revoked.

2. A restricted real estate salesperson license shall, however, be issued to respondent pursuant to Section 10156.5 of the Business and Professions Code, if respondent makes application therefor and pays to the Department the appropriate fee for this license not earlier than 30 days from the effective date of this decision.

MODIFIED

3. Such restricted license shall be subject to all the provisions of Section 10156.7 of said Code as well as to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of said Code:

A. This restricted license may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which bears a significant and/or substantial relationship to the respondent's fitness or capacity to act as a real estate licensee.

B. Such restricted license may be suspended prior to hearing by order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated the provisions of the California Real Estate Law, the Subdivided Lands Law, regulations of the Real Estate Commissioner and/or conditions attaching to this restricted license.

- C. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate salesperson license nor the removal of any of the conditions, limitations or restrictions of said restricted license until one year has elapsed from the date of issuance of said restricted license.
- D. Respondent shall submit with his application for license under an employing broker--or his application for transfer to a new employing broker--a statement signed by the prospective employing broker which shall certify:
- (1) That he/she has read the decision of the Commissioner which granted the right to a restricted license; and,
  - (2) That he/she will exercise close supervision over the performance by the restricted licensee of the activities for which a real estate license is required.
- E. Respondent shall report in writing to the Department as the Commissioner shall direct by his decision herein or by a separate writing issued while the restricted license is in effect. Such report shall concern respondent's activities for which a real estate salesperson license is required and as the Commissioner shall deem appropriate to protect the public interest. Such report(s) may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of respondent, periodic summaries of salient information concerning each real estate transaction in which respondent engaged during the period covered by the report.
- F. The restricted license may be suspended by order of the Real Estate Commissioner pending a final determination after hearing if the respondent fails to present evidence satisfactory to the Commissioner within six months from the effective date of the decision of having taken and completed 45 hours of approved continuing education offerings within the four-year period

NOT  
ADOPTED



immediately preceding the date on which the respondent presents such evidence to the Department.

G. Respondent shall comply with all terms and conditions of State criminal probation as granted by the Superior Court of the State of California, County of Santa Clara in Case No. 85489 in the matter entitled, "The People of the State of California, Plaintiff, vs. Feréidoun Sharif, Defendant."

DATED: FEB 3, 1984

  
\_\_\_\_\_  
PAUL J. DOYLE  
Administrative Law Judge

PJD:lhj

COPY

FILED  
NOV 22 1983

BEFORE THE DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Mary A. Morell  
Mary A. Morell

In the Matter of the Accusation of  
FEREIDOUN SHARIF

Case No. H-5350 SF  
N 21898

Respondent(s)

AMENDED NOTICE OF HEARING ON ACCUSATION

TO THE ABOVE NAMED RESPONDENT:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, State Building, 455 Golden Gate Avenue, Room 2248, San Francisco, California on the 30th day of January, 1984, at the hour of 9:00 A.M., Two Hour Hearing or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

DATED: November 22, 1983

DEPARTMENT OF REAL ESTATE

By Joseph McGovern  
JOSEPH MCGOVERN Counsel

COPY

FILED  
NOV 10 1983

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By Mary A. Morfitt  
MARY A. MORFITT

In the Matter of the Accusation of  
FEREIDOUN SHARIF  
Respondent(s)

Case No. H-5350 SF  
N 21898

NOTICE OF HEARING ON ACCUSATION

TO THE ABOVE NAMED RESPONDENT:

YOU ARE HEREBY NOTIFIED that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, State Building, 455 Golden Gate Avenue, Room 2248, San Francisco, California

on the 27th day of December, 1983, at the hour of 9:00 A.M.,  
Two Hour Hearing  
or as soon thereafter as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person, nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

DATED: November 10, 1983

DEPARTMENT OF REAL ESTATE

By Joseph McGovern  
JOSEPH MCGOVERN *MLM* Counsel

COPY

FILED  
SEP 29 1983

1 JOSEPH McGOVERN, Counsel  
2 DEPARTMENT OF REAL ESTATE  
3 185 Berry Street, Room 5816  
4 San Francisco, CA 94107-1770  
5 Telephone: (415) 557-3220

DEPARTMENT OF REAL ESTATE

By *Mary A. Morella*  
Mary A. Morella

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 - - -

11 In the Matter of the Accusation of )  
12 FEREIDOUN SHARIF, )  
13 Respondent. )

NO. H-5350 SF  
ACCUSATION

15 The complainant, EDWARD V. CHILOLO, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 accusation against FEREIDOUN SHARIF, is informed and alleges  
18 as follows:

19 I

20 That FEREIDOUN SHARIF (hereinafter referred to as  
21 respondent) is presently licensed and/or has license rights  
22 under the Real Estate Law (Part 1 of Division 4 of the Business  
23 and Professions Code of the State of California).

24 II

25 That at all times herein mentioned, respondent was  
26 licensed as a real estate salesperson by the Department of  
27 Real Estate of the State of California; that said license will

1 expire on July 20, 1985.

2 III

3 That the complainant EDWARD V. CHILOLO, a Deputy Real  
4 Estate Commissioner of the State of California, acting in his  
5 official capacity as such and not otherwise, makes this  
6 accusation against respondent.

7 IV

8 That on or about April 18, 1983, in the Superior Court  
9 of the State of California, County of Santa Clara, respondent  
10 entered a plea of nolo contendere and was convicted of violating  
11 Section 11352 of the California Health and Safety Code (SALE OF  
12 MORPHINE AND COCAINE) a felony.

13 V

14 That the facts, as alleged in Paragraph III above,  
15 pertain to the conviction of respondent of a felony and a crime  
16 that involves moral turpitude, and which is substantially related  
17 to the qualifications, functions, and duties of a real estate  
18 licensee.

19 VI

20 That by reason of the facts as hereinabove alleged,  
21 respondent has been guilty of acts constituting grounds for  
22 disciplinary action under the provisions of Section 490,  
23 10177(b), and 10177(f) of the Business and Professions Code  
24 of the State of California.

25 \* \* \* \* \*

26 WHEREFORE, complainant prays that a hearing be  
27 conducted on the allegations of this Accusation and that upon

1 proof thereof, a decision be rendered imposing disciplinary  
2 action against all licenses and license rights of respondent  
3 under the Real Estate Law (Part 1 of Division 4 of the Business  
4 and Professions Code) and for such other and further relief as  
5 may be proper under other applicable provisions of law.

6  
7 *Edward V. Chiolo*

8  
9 EDWARD V. CHIOLO  
Deputy Real Estate Commissioner

10  
11 Dated at San Francisco, California  
12 this 29th day of September, 1983.