

FILED
JUL 27 1987

DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

By Roshni R. Kalidin
Roshni R. Kalidin

STATE OF CALIFORNIA

- - - -

In the Matter of the Application of)

No. H-5827 SF

ALI KHAJE AMIDY, aka)
ALI AMIDY KHAJE,)

N 29217

Respondent.)

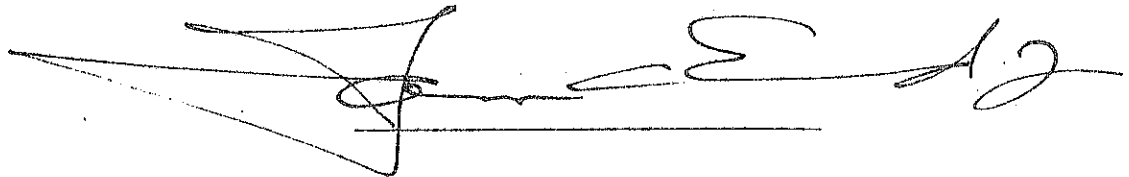
DECISION

The Proposed Decision dated June 22, 1987, of the Administrative Law Judge of the Office of Administrative Hearings is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on August 17th, 1987.

IT IS SO ORDERED 7-15, 1987.

JAMES A. EDMONDS, JR.
Real Estate Commissioner



BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application)	
of:)	
ALI KHAJE AMIDY)	
aka ALI AMIDY KHAJE)	CASE NO. H-5827 SF
Respondent.)	OAH NO. N-29217
_____)	

PROPOSED DECISION

This matter was heard before Ruth S. Astle, Administrative Law Judge, Office of Administrative Hearings, State of California on June 16, 1987 at San Francisco, California.

Complainant was represented by Vera Winter Lee, Staff Counsel.

The respondent was present and represented by James V. Lee, Attorney at Law, Suite 13, Winslow Building, 234 Marshall Street, Redwood City, California 94063.

This matter was consolidated for hearing with case No. N 29216.

FINDINGS OF FACT

I

The Real Estate Commissioner of the State of California, in conformity with section 10152 of the Business and Professions Code* requires further proof of the honesty, truthfulness and qualifications of Ali Khaje Amidy, aka Ali Amidy Khaje (respondent) in connection with his application for a real estate broker license filed on January 9, 1987.

II

Edward V. Chiolo made the Statement of Issues in his official capacity as Deputy Real Estate Commissioner of the State of California and not otherwise.

*All references are to said code unless otherwise stated.

III

At all times mentioned herein, respondent was licensed by the Department of Real Estate of the State of California (Department) as a real estate salesperson.

IV

At all times mentioned herein, Charito Serrano (Seller) was the owner of the Arco Gas Station, located at 10550 De Anza Boulevard, Cupertino, California (Property). Prior to December 24, 1985, Seller listed the Property for sale with respondent.

V

On December 24, 1985, respondent while licensed and acting in the capacity of a real estate salesperson, prepared a Deposit Receipt/Earnest Money Agreement (Deposit Receipt) that contained an offer by Hector and Aida Cerezo (Buyer) to purchase the Property for One Hundred Ninety-Four Thousand Dollars (\$194,000). Respondent also received from Buyer the sum of Five Thousand Dollars (\$5,000) (the deposit) in the form of a personal check, executed by Buyer as a deposit on the purchase of the Property.

VI

On December 30, 1985, Seller executed a counteroffer and that counteroffer was accepted by Buyer on the same date.

VII

Respondent failed to place the deposit into a neutral escrow depository or into the hands of his principal or into a trust account but instead deposited it into his business account No. 019-005884, Bank of the West, San Jose, California.

VIII

On April 18, 1986, Seller and Buyer executed a release of deposit (release) wherein they mutually agreed to release each other from the sale and purchase of the Property and Seller also authorized the return of the deposit to Buyer.

IX

On April 24, 1986, respondent following notice of the Release and a demand from Buyer for the return of the deposit, pursuant to the terms of the release, refused to return the deposit to Buyer.

X

On April 24, 1986, respondent represented to Buyer that Buyer owed respondent a commission in the amount of Eighteen Thousand Dollars (\$18,000) for failing to purchase the Property. This matter is now being litigated in a civil suit.

DETERMINATION OF ISSUES

By reason of the matters set forth in Findings IV through X, cause for denial exists pursuant to sections 10145, 480(a) 10177(d) and 10176(e) of the Code.

ORDER

The application of Ali KhajeAmidy aka Ali Amidy Khaje for a broker license is hereby denied.

DATED: June 22, 1987

Ruth S. Astle
RUTH S. ASTLE
Administrative Law Judge

RSA:hrs

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

FILED

MAR 18 1987
DEPARTMENT OF REAL ESTATE

By Roshni K. Kallidin
Roshni K. Kallidin

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 -----
11 In the Matter of the Application of) NO. H-5827 SF
12 ALI AMIDY KHAJE,)
13 aka ALI KHAJE AMIDY,)
14 Respondent.)
15

16 I

17 The Real Estate Commissioner of the State of
18 California, in conformity with Section 10152 of the Business and
19 Professions Code of the State of California (Code) requires
20 further proof of the honesty, truthfulness and qualifications of
21 ALI AMIDY KHAJE, aka ALI KHAJE AMIDY (hereinafter respondent) in
22 connection with his application for a real estate broker license
23 filed on or about January 9, 1987, and pursuant thereto has
24 instituted these proceedings for the purpose of inquiring into
25 respondent's qualifications for this license.

26 / / / / /

27 / / / / /

II

EDWARD V. CHIOLO, a Deputy Real Estate Commissioner of the State of California, acting in his official capacity as such and not otherwise, makes this Statement of Issues against respondent.

III

In acting upon the application of respondent the Commissioner shall consider but shall not be limited to the following facts:

That at all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California (hereinafter the Department) as a real estate salesperson.

IV

That at all times herein mentioned, Charito Serrano (hereinafter referred to as Seller) was the owner of the Arco Gas Station, located at 10550 De Anza Boulevard, Cupertino, California (hereinafter the Property); that prior to December 24, 1985, Seller had listed the Property for sale with Jack Tereza, real estate broker, dba Brooktree Realty (hereinafter Lister).

V

That on or about December 24, 1985, respondent while licensed and acting in the capacity of a real estate salesperson, prepared a Deposit Receipt/Earnest Money Agreement (hereinafter Deposit Receipt) that contained an offer by Hector and Aida Cerezo (hereinafter Buyer) to purchase the Property for ONE HUNDRED NINETY FOUR THOUSAND DOLLARS (\$194,000); that respondent

1 also received from Buyer the sum of FIVE THOUSAND DOLLARS
2 (\$5,000) (hereinafter referred to as the Deposit) in the form of
3 personal check, executed by Buyer as a deposit on the purchase of
4 the Property.

5 VI

6 That on or about December 30, 1985, Seller executed a
7 counter-offer and said counter offer was accepted by Buyer on
8 the same date.

9 VII

10 That respondent failed to place the Deposit into a
11 neutral escrow depository or into the hands of his principal or
12 into a trust account but instead deposited it into his business
13 account No. 019-005884, Bank of the West, San Jose, California.

14 V

15 That on or about April 18, 1986, Seller and Buyer
16 executed a Release of Deposit (hereinafter the Release) wherein
17 they mutually agreed to release each other from the sale and
18 purchase of the Property and Seller also authorized the return of
19 the Deposit to Buyer.

20 VIII

21 That on or about April 24, 1986, respondent following
22 notice of the Release and a demand from Buyer for the return of
23 the Deposit, pursuant to the terms of the Release, refused to
24 return the Deposit to Buyer.

25 IX

26 That on or about April 24, 1986, respondent falsely
27 represented to Lister that Buyer owed respondent a commission in

1 the amount of EIGHTEEN THOUSAND DOLLARS (\$18,000) for failing to
2 purchase the Property.

3 X

4 That by reason of the facts as hereinabove alleged,
5 respondent has been guilty of acts or omissions, or both, in
6 violation of Section 10145 of the Business and Professions Code
7 of the State of California (hereinafter the Code) and said acts
8 or omissions constitute grounds for suspension or revocation of
9 respondent's real estate salesperson license under the
10 provisions of Section 10177(d) of the Code.

11 XI

12 That by reason of the facts as hereinabove alleged,
13 respondent has been guilty of acts or omissions, or both, in
14 violation of Section 10176(e) of the Code, and said acts or
15 omissions constitute grounds for suspension or revocation of
16 respondent's real estate salesperson license

17 XII

18 That the facts as hereinabove alleged constitute
19 grounds for the denial of respondent's application for a real
20 estate broker license under the provisions of Section 480(a) of
21 the Code.

22 *Edward V. ChioLO*

23 EDWARD V. CHIOLO
24 Deputy Real Estate Commissioner

25 Dated at San Francisco, California
26 this 18th day of March, 1987.
27