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BUREAU OF REAL ESTATE

By MRobertt

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
) NO. H-6534 SAC
MOJGUN MIZANI,)
) STATEMENT OF ISSUES
Respondent.)

The Complainant, TRICIA PARKHURST, acting in her official capacity as a
Supervising Special Investigator of the State of California, for this Statement of Issues against
MOJGUN MIZANI ("Respondent"), is informed and alleges as follows:

1

On or about January 25, 2016, Respondent made application to the Bureau of Real
Estate of the State of California for a real estate salesperson license.

FAILURE TO DISCLOSE PENDING CRIMINAL CHARGES

2

In response to Question 29 of said application to wit: "ARE THERE CRIMINAL
CHARGES PENDING AGAINST YOU AT THIS TIME, OR ARE YOU CURRENTLY
AWAITING JUDGMENT AND SENTENCING FOLLOWING ENTRY OF A PLEA OR JURY
VERDICT? IF YES, COMPLETE ITEM 34," Respondent concealed and failed to disclose the
pending criminal charges described below in Paragraph 3.

On or about July 17, 2015, in the Superior Court of the State of California, County of San Mateo, Case No. SC083380A, Respondent was charged with violating Section 664/368(d)(attempt-theft from elder or dependent adult) of the California Penal Code as a felony, violating Section 182(a)(1) (conspire to commit a crime) of the California Penal Code as a felony, and two counts of violating Section 460(b) (second degree burglary) of the California Penal Code as a felony. All charges against Respondent were disposed of on April 22, 2016.

CRIMINAL CONVICTIONS

On or about April 22, 2016, in the Superior Court of the State of California, County of San Mateo, Case No. SC083380A, Respondent was convicted of violating Section 664/368(d)(attempt-theft from elder or dependent adult) of the California Penal Code, a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910, Title 10, of the California Code of Regulations ("Regulations").

On or about May 7, 2003, in the Superior Court of the State of California, County of San Mateo, Case No. CC303083, Respondent was convicted of violating Sections 484/488 (petty theft) of the California Penal Code, a misdemeanor and a crime that bears a substantial relationship to the qualifications, functions or duties of a real estate licensee pursuant to Section 2910 of the Regulations.

GROUND FOR DENIAL

Respondent's failure to disclose the pending criminal charges described above in Paragraphs 2 and 3 constitute cause for denial of Respondent's application for a real estate salesperson license pursuant to the provisions of Business and Professions Code ("Code")

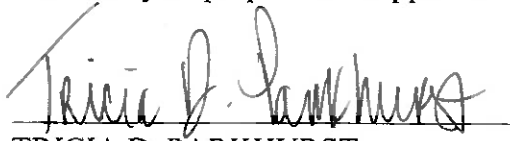
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1 sections 480(d) (false statement of fact required to be revealed in application) and 10177(a)
2 (attempted procurement of real estate license by fraud, misrepresentation, or deceit).

3 7

4 Respondent's criminal convictions described above in Paragraphs 4 and 5,
5 constitute cause for denial of Respondent's application for a real estate salesperson license
6 pursuant to the provisions of Code sections 480(a)(1) (conviction of crime), 480(a)(2) (act
7 involving dishonesty, fraud, or deceit), 10177(b) (conviction of crime), and 10177(j) (engaged in
8 conduct that constitutes fraud or dishonest dealing).

9 WHEREFORE, the Complainant prays that the above-entitled matter be set for
10 hearing and, upon proof of the charges contained herein, that the Commissioner refuse to
11 authorize the issuance of, and deny the issuance of, a real estate salesperson/broker license to
12 Respondent, and for such other and further relief as may be proper under applicable provisions of
13 law.

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15 TRICIA D. PARKHURST
16 Supervising Special Investigator

17 Dated at Sacramento, California,
18 this 19th day of April, 2017.

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20
21 DISCOVERY DEMAND

22 Pursuant to Sections 11507.6, *et seq.* of the *Administrative Procedure Act*, the
23 Department hereby makes demand for discovery pursuant to the guidelines set forth in the
24 *Administrative Procedure Act*. Failure to provide Discovery to the Department may result in the
25 exclusion of witnesses and documents at the hearing or other sanctions that the Office of
26 Administrative Hearings deems appropriate.