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DEPARTMENT OF REAL ESTATE

By PJ dew

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Department of Real Estate

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

NO. H-7245 SAC

JAWAD ASGHAR KHAN,

ACCUSATION

Respondent.

The Complainant, TRICIA PARKHURST, in her official capacity as a Supervising Special Investigator of the State of California, Department of Real Estate ("Department"), for cause of Accusation against JAWAD ASGHAR KHAN ("Respondent"), is informed and alleges as follows:

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Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code ("Code"), as a real estate salesperson, License No. 01883577.

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1 DISCIPLINE BY ANOTHER AGENCY

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3 On or about December 21, 2016, Respondent became licensed with the
4 California Department of Insurance ("CDI"), License No. 0L46330, and held the following
5 license types and/or qualifications: Accidental and Health or Sickness; Casualty; Life; and
6 Property.

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8 On or about February 14, 2020, Farmers Insurance Group ("Farmers") filed a
9 complaint with the California Department of Insurance ("CDI") alleging that, between January
10 18, 2019 and August 18, 2019, Respondent misappropriated seven cash premium payments,
11 totaling approximately \$1,824.76.

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13 On or about April 7, 2020, CDI opened an investigation into Respondent based on
14 the complaint received from Farmers.

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16 On or about October 27, 2022, the CDI filed a First Amended Accusation against
17 Respondent, File No. GG202000136, seeking to discipline Respondent's insurance license based
18 on violations of the following California Insurance Code sections: §1668(b)- acts against public
19 interest; §1668(d)- not a good business reputations; §1668(e)- lacking in integrity; §1668(j)-
20 incompetency; §1733- handling of fiduciary funds; and §1724- deposit and remittance of
21 fiduciary funds.

22 6

23 On or about January 17, 2023, Respondent and CDI entered into a Stipulation and
24 Waiver, which became effective January 18, 2023, wherein Respondent acknowledged that CDI
25 had prima facie evidence to support the allegations and findings made in the First Amended
26 Accusation.

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As a result of the Stipulation and Agreement described above in Paragraph 6, Respondent's CDI license was revoked with a right to a restricted license for three years.

The discipline of Respondent's insurance license by CDI, as described above, constitutes grounds to discipline and/or revoke Respondent's real estate salesperson license pursuant to section 10177(f) (had a license revoked or suspended by another agency of this state, another state, or the federal government for acts that, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license) of the Code.

Section 10177(f) of the Code requires a showing that the acts and/or omissions of Respondent would constitute grounds for suspension of a real estate license. Here, Respondent's acts and/or omissions, if done by a real estate licensee, would be grounds for the suspension or revocation of a real estate license pursuant to sections 10145 (trust fund handling), 10176(i) (dishonest dealings), 10177(d) (willful disregard of real estate law), 10177(g) (demonstrated negligence or incompetence in performing an act for which a license is required), and 10177(j) (fraud and/or dishonest dealings) of the Code.

FAILURE TO DISCLOSE

Pursuant to Code section 10186.2(a)(1)(C), a real estate licensee must report to the Department, in writing and within 30 days, any disciplinary action taken by another licensing entity or authority of California or of another state or an agency of the federal government.

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A diligent search was made of the records of the Department for Respondent's license and no record or written notice was received from Respondent notifying the Department within thirty days of the disciplinary action taken by the CDI, as described above in Paragraph 7.

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The facts alleged in Paragraphs 10 and 11, above, constitute grounds under Sections 10186.2 (reporting requirements) and 10177(d) (willful disregard of Real Estate Law) of the Code for suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

COST RECOVERY

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Section 10106 of the Code provides, in pertinent part, that in any order issued in resolution of a disciplinary proceeding before the Department, the Commissioner may request the administrative law judge to direct a licensee found to have committed a violation of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Code, and for such other and further relief, including reasonable investigation and enforcement costs, as may be proper under the provisions of law.


TRICIA PARKHURST
Supervising Special Investigator

Dated at Sacramento, California,
this 31st day of January, 2024.

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DISCOVERY DEMAND

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