

1 Department of Real Estate  
2 P.O. Box 187007  
3 Sacramento, CA 95818-7007  
4 Telephone: (916) 227-0789

**FILED**  
OCT 29 2004

DEPARTMENT OF REAL ESTATE

By Laurie A. Zeri

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9  
10 *In the Matter of the Application of*

11 PAUL SHAHRYAR NAMINI,

12  
13 Respondent  
14

) No. H- 8915 SF  
)  
)  
)

) **STIPULATION AND**  
) **WAIVER**  
)  
)

15 I, PAUL SHAHRYAR NAMINI, respondent herein, do hereby affirm that I have applied to the  
16 Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have  
17 satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee  
18 therefor.

19 I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent  
20 filed by the Department of Real Estate on SEPTEMBER 7, 2004, in connection with my application for a  
21 real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this  
22 Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove  
23 other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real  
24 estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the  
25 Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a  
26 satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I  
27 further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 requests that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a  
14 restricted license issued by the Department of Real Estate pursuant hereto:

15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:

18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or

20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 conditions attaching to this restricted license.

23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
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1       3.   With the application for license, or with the application for transfer to a new employing broker, I  
2       shall submit a statement signed by the prospective employing broker on a form approved by the  
3       Department of Real Estate wherein the employing broker shall certify as follows:

4       a.   That broker has read the Statement of Issues which is the basis for the issuance of the  
5       restricted license; and

6       b.   That broker will carefully review all transaction documents prepared by the restricted  
7       licensee and otherwise exercise close supervision over the licensee's performance of acts  
8       for which a license is required.

9       4.   My restricted real estate salesperson license is issued subject to the requirements of Section  
10       10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months  
11       of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of  
12       successful completion, at an accredited institution, of a course in real estate practices and one of  
13       the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of  
14       real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely  
15       present to the Department satisfactory evidence of successful completion of the two required  
16       courses, the restricted license shall be automatically suspended effective eighteen (18) months  
17       after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of  
18       the restricted license, I have submitted the required evidence of course completion and the  
19       Commissioner has given written notice to Respondent of the lifting of the suspension.

20       5.   Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21       under Section 10153.4, Respondent shall not be entitled to renew the restricted license, and shall  
22       not be entitled to the issuance of another license which is subject to Section 10153.4 until four  
23       years after the date of the issuance of the preceding restricted license.

24       Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and  
25       Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax  
26       number (916) 227-9458. Respondent agrees, acknowledges and understands that by electronically sending  
27       to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt

1 of the faxed copy by the Department shall be as binding on respondent as if the Department had received  
2 the original signed Stipulation and Waiver.

3 September 27, 2004  
4 Dated

Paul S. Namini  
PAUL SHAHRYAR NAMINI, Respondent

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5 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by  
6 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and  
7 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a  
8 restricted real estate salesperson license to respondent.

9 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to  
10 respondent PAUL SHAHRYAR NAMINI if respondent has otherwise fulfilled all of the statutory  
11 requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in  
12 the foregoing Stipulation and Waiver.

13 This Order is effective immediately.

14 IT IS SO ORDERED

Oct. 15, 2004

15 John K. Liberator  
16 JOHN K. LIBERATOR  
17 ACTING REAL ESTATE COMMISSIONER  
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27

**BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

**FILED**

SEP 20 2004

DEPARTMENT OF REAL ESTATE

*In the Matter of the Application of*

PAUL SHAHRYAR NAMINI,

Case No. H-8915 SF

OAH No.

*Respondent*

**NOTICE OF HEARING ON APPLICATION**

*To the above named respondent:*

**You are hereby notified** that a hearing will be held before the Department of Real Estate at **THE OFFICE OF ADMINISTRATIVE HEARINGS, 1515 CLAY STREET, SUITE 206, OAKLAND, CA 94612** on **MONDAY, NOVEMBER 22, 2004**, at the hour of **9:00 A.M.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

*Dated:* SEPTEMBER 20, 2004

By James L. Beaver  
JAMES L. BEAVER, Counsel

1 JAMES L. BEAVER, Counsel (SBN 60543)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007

5 Telephone: (916) 227-0789  
6 -or- (916) 227-0788 (Direct)

FILED

SEP - 7 2004

DEPARTMENT OF REAL ESTATE

By Laurie G. Jr.

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 PAUL SHAHRYAR NAMINI, )  
13 Respondent. )

No. H-8915 SF

STATEMENT OF ISSUES

15 The Complainant, Les R. Bettencourt, a Deputy Real  
16 Estate Commissioner of the State of California, for Statement of  
17 Issues against PAUL SHAHRYAR NAMINI (herein "Respondent"),  
18 alleges as follows:

19 I

20 Complainant, Les R. Bettencourt makes this Statement  
21 of Issues in his official capacity as a Deputy Real Estate  
22 Commissioner of the State of California,

23 II

24 Respondent made application to the Department of Real  
25 Estate of the State of California for a real estate salesperson  
26 license on or about February 25, 2004 with the knowledge and  
27 understanding that any license issued as a result of said

1 application would be subject to the conditions of Section  
2 10153.4 of the Business and Professions Code (herein "the  
3 Code").

4 III

5 Effective April 10, 2003, in Case No. RS-02-0545,  
6 before the Department of Motor Vehicles of the State of  
7 California, after giving Respondent fair notice of the charges,  
8 an opportunity for a hearing, and other due process protections  
9 required by the Administrative Procedure Act, the Director of  
10 the Department of Motor Vehicles denied Respondent's application  
11 for a vehicle salesperson's license pursuant to the provisions  
12 of Sections 11509(a)(2) and 11703(f) of the California Vehicle  
13 Code for acts which, if committed by a real estate licensee,  
14 would constitute grounds for the suspension or revocation of a  
15 California real estate license pursuant to the provisions of  
16 Section 10177(a) of the Code.

17 IV

18 Respondent's acts and omissions described in Paragraph  
19 III, above, constitute cause for denial of Respondent's  
20 application for a real estate license under Section 10177(f) of  
21 the Code.

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1           WHEREFORE, Complainant prays that the above-entitled  
2 matter be set for hearing and, upon proof of the charges  
3 contained herein, that the Commissioner refuse to authorize the  
4 issuance of, and deny the issuance of a real estate salesperson  
5 license to Respondent, and for such other and further relief as  
6 may be proper in the premises.

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8   
9 LES R. BETTENCOURT  
Deputy Real Estate Commissioner

10 Dated at Oakland, California,  
11 this 5th day of August, 2004.