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FILED

APR 27 2012

DEPARTMENT OF REAL ESTATE
By R. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Application of

MOHAMMAD REZA MONSEF,

Respondent.

No. H-11294 SF

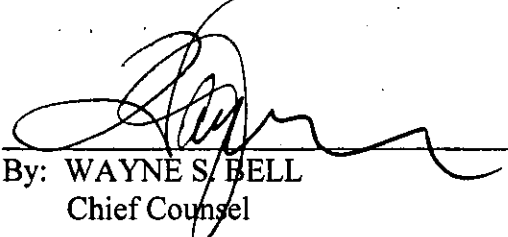
OAH No. 2012010630

DISMISSAL

Respondent MOHAMMAD REZA MONSEF withdrew his application for a real estate salesperson license. Therefore, the Statement of Issues herein filed on January 7, 2012, is DISMISSED.

IT IS SO ORDERED April 24, 2012

REAL ESTATE COMMISSIONER


By: WAYNE S. BELL
Chief Counsel

1 ANNETTE E. FERRANTE, Counsel (SBN 258842)
2 Department of Real Estate
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FILED

JAN - 7 2012

DEPARTMENT OF REAL ESTATE
By R. Mar

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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12 In the Matter of the Application of) No. H-11294 SF
13 MOHAMMAD REZA MONSEF,)
14 Respondent.)
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STATEMENT OF ISSUES

16 The Complainant, E. J. HABERER, II, in his official capacity as a Deputy Real
17 Estate Commissioner of the State of California (hereinafter "Complainant"), for Statement of
18 Issues against MOHAMMAD REZA MONSEF (hereinafter "Respondent"), alleges as follows:

19 1

20 On or about May 2, 2011, Respondent made application to the State of California
21 Department of Real Estate (hereinafter "the Department") for a real estate salesperson license.

22 2

23 In response to Question 23 of said application, to wit: "Have you ever been
24 convicted of a misdemeanor or felony? Convictions expunged under Penal Code Section
25 1203.4 must be disclosed. However, you may omit traffic citations which do not constitute a
26 misdemeanor or felony", Respondent concealed and failed to disclose the convictions described
27 in Paragraphs 3 through 8, below.

3

On or about June 29, 2009, in the Superior Court of the State of California, County of Santa Clara, Case No. CC780421, Respondent was convicted of violating Section 6071 of the California Revenue and Taxation Code (Engage in Business as Seller Without Permit), Section 6454 of the California Revenue and Taxation Code (Fail to Deliver Tax Return and Remittance of Tax Due), and Section 6455 of the California Revenue and Taxation Code (Fail to Deliver Tax Return and Remittance of Tax Due By Due Date), all misdemeanors and crimes which bear a substantial relationship under Section 2910, Title 10, California Code of Regulations (hereinafter "the Regulations"), to the qualifications, functions or duties of a real estate licensee.

4

On or about June 28, 1999, in the Superior Court of the State of California, County of Santa Clara, Case No. B9943515, Respondent was convicted of violating Section 12500(a) of the California Vehicle Code (Driving Without Valid License), a misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

5

On or about March 24, 1999, in the Superior Court of the State of California, County of Santa Clara, Case No. C9871189, Respondent was convicted of violating Section 12500(a) of the California Vehicle Code (Driving Without Valid License), a misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

6

On or about December 28, 1995, in the Superior Court of the State of California, County of Santa Clara, Case No. B9526196, Respondent was convicted of violating Section 12500(a) of the California Vehicle Code (Driving Without Valid License), a misdemeanor, and

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1 a crime which bears a substantial relationship under Section 2910 of the Regulations, to the
2 qualifications, functions or duties of a real estate licensee.

3 7

4 On or about December 14, 1995, in the Superior Court of the State of California,
5 County of Santa Clara, Case No. E9595019, Respondent was convicted of violating Section
6 12500(a) of the California Vehicle Code (Driving Without Valid License), a misdemeanor, and
7 a crime which bears a substantial relationship under Section 2910 of the Regulations, to the
8 qualifications, functions or duties of a real estate licensee.

9 8

10 On or about January 1, 1991, in the Superior Court of the State of California,
11 County of Santa Clara, Case No. E9168240, Respondent was convicted of violating Section
12 14601.1(a) of the California Vehicle Code (Driving While License Suspended or Revoked), a
13 misdemeanor, and a crime which bears a substantial relationship under Section 2910 of the
14 Regulations, to the qualifications, functions or duties of a real estate licensee.

15 9

16 Respondent's failure to reveal in his application for a real estate salesperson
17 license the convictions set forth in Paragraphs 3 through 8, above, constitutes the procurement
18 of or attempt to procure a real estate license by fraud, misrepresentation, or deceit, or by making
19 a material misstatement of fact in said application, which failure is cause for denial of
20 Respondent's application for a real estate salesperson license pursuant to the provisions of
21 Sections 480(c) (Denial of License by Board – False Statement of Fact on Application) and
22 10177(a) (Further Grounds for Disciplinary Action – Attempted Procurement of License by
23 Fraud/Misrepresentation/Deceit/Material Misstatement) of the Business and Professions Code
24 (hereinafter "the Code").

25 10

26 The facts alleged in Paragraphs 3 through 8, above, constitute cause for denial of
27 Respondent's application for a real estate license under Sections 480(a) (Denial of License by

1 Board – Conviction of Crime) and 10177(b) (Conviction of Crime Substantially Related to
2 Qualifications, Functions or Duties of Real Estate Licensee) of the Code.

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

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11 E. J. HAERER, II
Deputy Real Estate Commissioner

12 Dated at Oakland, California,
13 this 5 day of January, 2012.
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