

FILED
MAY 24 2022
DEPARTMENT OF REAL ESTATE
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:

ARVAND SABETIAN,

Respondent.

No. H-12459 SF

STIPULATION AND
AGREEMENT IN SETTLEMENT
AND ORDER

It is hereby stipulated by and between ARVAND SABETIAN ("Respondent"), represented by Counsel Rizza Gonzales, and Complainant, acting by and through Kyle Jones, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on October 5, 2020, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be submitted solely on the basis of the provisions of this Stipulation and Agreement.

2. Respondent has received, read, and understands the Statement to Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department in this proceeding.

1 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that Respondent will waive Respondent's right to require the Real Estate
5 Commissioner ("Commissioner") to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that Respondent will waive other
7 rights afforded to Respondent in connection with the hearing, such as the right to present
8 evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

9 4. This Stipulation and Agreement is based on the factual allegations
10 contained in the Accusation. In the interest of expediency and economy, Respondent chooses not
11 to contest these factual allegations, but to remain silent and understand that, as a result thereof,
12 these factual statements will serve as a prima facie basis for the "Determination of Issues" and
13 "Order" set forth below. The Commissioner shall not be required to provide further evidence to
14 prove such allegations.

15 5. This Stipulation and Agreement and Respondent's decision not to contest
16 the Accusation are made for the purpose of reaching an agree disposition of this proceeding and
17 are expressly limited to this proceeding and any other proceeding or case in which the
18 Department is involved.

19 6. It is understood by the parties that the Commissioner may adopt the
20 Stipulation and Agreement as his Decision and Order in this matter thereby imposing the penalty
21 and sanctions on Respondent's real estate licenses and license rights as set forth in the below
22 "Order." In the event the Commissioner in his discretion does not adopt the Stipulation and
23 Agreement, it shall be void and of no effect, and Respondent shall retain the right to a hearing
24 and proceeding on the Accusation under all the provisions of the APA and shall not be bound by
25 any admission or waiver made herein.

26 7. This Decision and Order or any subsequent Order of the Commissioner
27 made pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar

1 to any further administrative or civil proceedings by the Department with respect to any matters,
2 which were not specifically alleged in Accusation H-12459 SF.

3 DETERMINATION OF ISSUES

4 By reason of the foregoing stipulations, admissions, and waivers and solely for the
5 purpose of settlement of the pending Accusation without hearing, it is stipulated and agreed that
6 the following Determination of Issues shall be made:

7 The acts and/or omissions of Respondent, as described in the Accusation, are
8 grounds for the suspension or revocation of the licenses and license rights of Respondent under
9 Sections 10130, 10177(d) and 10177(g) of the Business and Professions Code ("Code").

10 ORDER

11 All licenses and licensing rights of Respondent, under the Real Estate Law are
12 suspended for a period of sixty (60) days from the effective date of this Order; provided,
13 however, that:

14 1. Thirty (30) days of said suspension shall be stayed, upon the condition that
15 Respondent petition pursuant to Section 10175.2 of the Code and pays a monetary penalty
16 pursuant to Section 10175.2 of the Code at a rate of \$50 for each day of the suspension for a total
17 monetary penalty of \$1,500.

18 (a) Said payment shall be in the form of a cashier's check made payable
19 to the Department of Real Estate. Said check must be delivered to the Department of Real
20 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
21 date of this Order.

22 (b) No further cause for disciplinary action against the real estate license
23 of Respondent occurs within two (2) years from the effective date of the decision in this matter.

24 (c) If Respondent fails to pay the monetary penalty as provided above
25 prior to the effective date of this Order, the stay of the suspension shall be vacated as to
26 Respondent and the order of suspension shall be immediately executed, under this Order, in
27

1 which event the Respondent shall not be entitled to any repayment nor credit, prorated or
2 otherwise, for the money paid to the Department under the terms of this Order.

3 (d) If Respondent pays the monetary penalty and any other moneys due
4 under this Stipulation and if no further cause for disciplinary action against the real estate license
5 of said Respondent occurs within two (2) years from the effective date of this Order, the entire
6 stay hereby granted in this Order shall become permanent.

7 2. Thirty (30) days of said suspension shall be stayed for two (2) years upon
8 the following terms and conditions:

9 (a) Respondent shall obey all laws, rules and regulations governing the
10 rights, duties and responsibilities of a real estate licensee in the State of California; and,

11 (b) That no final subsequent determination be made, after hearing or upon
12 stipulation, that cause for disciplinary action occurred within two (2) years from the effective
13 date of this Order. Should such a determination be made, the Commissioner may, in his
14 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
15 suspension. Should no such determination be made, the stay imposed herein shall become
16 permanent.

17 3. Pursuant to Sections 10106 and 10148 of the Code, Respondent shall pay
18 the sum of \$12,597.75 for the Commissioner's cost of the audit, investigation, and enforcement
19 which led to this disciplinary action. Respondent shall pay such cost within sixty (60) days of
20 receiving an invoice therefore from the Commissioner. Payment of costs should not be made
21 until Respondent receives the invoice. If Respondent fails to satisfy this condition in a timely
22 manner as provided for herein, Respondent's real estate license shall automatically be suspended
23 until payment is made in full, or until a decision providing otherwise is adopted following a
24 hearing held pursuant to this condition.

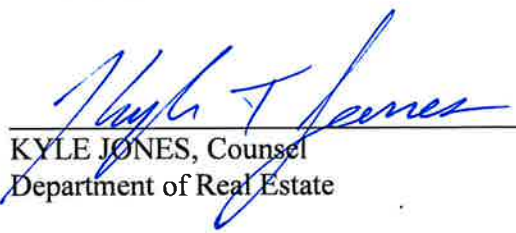
25 4. Pursuant to Section 10148 of the Code, Respondent shall pay the
26 Commissioner's reasonable cost, not to exceed \$12,401.25, for an audit to determine if
27 Respondent has corrected the violations found in the Determination of Issues. In calculating the

1 amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average
2 hourly salary for all persons performing audits of real estate brokers, and shall include an
3 allocation for travel time to and from the auditor's place of work. Respondent shall pay such cost
4 within sixty (60) days of receiving an invoice therefore from the Commissioner. Payment of the
5 audit costs should not be made until Respondent receives the invoice. If Respondent fails to
6 satisfy this condition in a timely manner as provided for herein, Respondent's real estate license
7 shall automatically be suspended until payment is made in full, or until a decision providing
8 otherwise is adopted following a hearing held pursuant to this condition.

9 5. All licenses and licensing rights of Respondent are indefinitely suspended
10 unless or until Respondent provides proof satisfactory to the Commissioner, of having taken and
11 successfully completed the continuing education course on trust fund accounting and handling
12 specified in paragraph (3) of subdivision (a) of Section 10170.5 of the Business and Professions
13 Code. Proof of satisfaction of this requirement includes evidence that respondent has successfully
14 completed the trust fund account and handling continuing education course within 120 days prior
15 to the effective date of the Decision in this matter.

16 6. Respondent shall, within six months from the effective date of this
17 Decision, take and pass the Professional Responsibility Examination administered by the
18 Department including the payment of appropriate examination fee. If Respondent fails to satisfy
19 this condition, the Commissioner may order suspension of Respondent's license until
20 Respondent passes the examination.

21 DATED 4/6/22


KYLE JONES, Counsel
Department of Real Estate

22 * * *

23 I have read the Stipulation and Agreement, have discussed it with my counsel,
24 and its terms are understood by me and are agreeable and acceptable to me. I understand that I
25 am waiving rights given to me by the APA (including but not limited to Sections 11506,
26 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and
27 voluntarily waive those rights, including the right of requiring the Commissioner to prove the

1 allegations in the Accusation at a hearing at which I would have the right to cross-examine
2 witnesses against me and to present evidence in defense and mitigation of the charges.

3 Respondent can signify acceptance and approval of the terms and conditions of
4 this Stipulation and Agreement by sending a digital copy, as actually signed by Respondent, to
5 the Department by e-mail to kyle.jones@dre.ca.gov. Respondent agrees, acknowledges, and
6 understands that by electronically sending to the Department a copy of Respondent's actual
7 signature as it appears on the Stipulation and Agreement, that receipt of the copy by the
8 Department shall be as binding on Respondent as if the Department had received the original
9 signed Stipulation and Agreement.

10 4/4/2022

11 DATED


12 ARVAND SABETIAN
13 Respondent

14 * * *

15 *I have reviewed this Stipulation and Agreement as to form and content and have*
16 *advised my client accordingly.*

17 4/4/22

18 DATED


19 RIZZA GONZALEZ
20 Attorney for Respondent

21 * * *

22 The foregoing Stipulation and Agreement In Settlement and Order is hereby
23 adopted by the Real Estate Commissioner as his Decision and Order and shall become effective
24 at 12 o'clock noon on JUN 13 2022

25 IT IS SO ORDERED

5.19.22

26 DOUGLAS R. McCAULEY
27 REAL ESTATE COMMISSIONER

