

1 DEPARTMENT OF REAL ESTATE
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3 Sacramento, CA 95813-7007

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FILED

JUL 31 2024

DEPARTMENT OF REAL ESTATE
By J. Taggart

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of) DRE No. H-12713 SF
12)
13 MANSUR ARIF ZAHIR,)
14) STIPULATION AND AGREEMENT
Respondent.) IN SETTLEMENT AND ORDER

15 It is hereby stipulated by and between MANSUR ARIF ZAHIR (Respondent), his
16 Counsel, Frank Buda, and the Complainant, acting by and through Richard K. Uno, Counsel for
17 the Department of Real Estate (Department); as follows for the purpose of settling and disposing
18 of the First Amended Accusation filed on December 14, 2023, in this matter:

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

24 2. Respondent has received, read, and understands the Statement to
25 Respondent, the Discovery Provisions of the APA and the Accusation filed by the Department of
26 Real Estate in this proceeding.
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1 3. Respondent filed a Notice of Defense pursuant to Section 11505 of the
2 Government Code for the purpose of requesting a hearing on the allegations in the First
3 Amended Accusation. Respondent hereby freely and voluntarily withdraws said Notice of
4 Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
5 Defense he will thereby waive his right to require the Real Estate Commissioner (Commissioner)
6 to prove the allegations in the First Amended Accusation at a contested hearing held in
7 accordance with the provisions of the APA and that he will waive other rights afforded to him in
8 connection with the hearing such as the right to present evidence in defense of the allegations in
9 the First Amended Accusation and the right to cross-examine witnesses.

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

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

23 6. The Order or any subsequent Order of the Commissioner made pursuant to
24 this Stipulation shall not constitute an estoppel, merger, or bar to any further administrative or
25 civil proceedings by the Department of Real Estate with respect to any matters which were not
26 specifically alleged to be causes for accusation in this proceeding.
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7. Respondent understands that by agreeing to this Stipulation, Respondent agrees to pay, pursuant to Section 10106 of the Business and Professions Code (Code), the cost of the investigation which resulted in the determination that Respondent committed the violations found in the Determination of Issues. The total amount of said costs is \$788.60.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers, and solely for the purpose of settlement of the pending First Amended Accusation without a hearing, it is stipulated and agreed that the acts and/or omissions of Respondent, as described in the First Amended Accusation, constitute grounds for the suspension or revocation of the licenses and license rights of Respondent under the provisions of Section 10186.2 of the Code.

ORDER

All licenses and licensing rights of Respondent, under the Real Estate Law are revoked; provided, however, a restricted real estate broker license and MLO License Endorsement shall be issued to Respondent, pursuant to Section 10156.5 of the Code, if Respondent makes application therefore and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Stipulation. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the following limitations, conditions, and restrictions imposed under authority of Section 10156.6 of the Code:

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Commissioner on evidence satisfactory to the Commissioner that

1 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
2 Law, Regulations of the Commissioner or conditions attaching to the restricted license.

3 3. Respondent shall not be eligible to apply for the issuance of any
4 unrestricted real estate license nor the removal of any of the conditions, limitations, or
5 restrictions of a restricted until two (2) years have elapsed from the effective date of this
6 Stipulation. Respondent shall not be eligible to apply for any unrestricted licenses until all
7 restrictions attaching to the license have been removed.

8 4. Respondent shall, within nine (9) months from the effective date of this
9 Stipulation, present evidence satisfactory to the Commissioner that Respondent has, since the
10 most recent issuance of an original or renewal real estate license, taken and successfully
11 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
12 Law for renewal of a real estate license. If Respondent fails to satisfy this condition,
13 Respondent's real estate license shall automatically be suspended until Respondent presents
14 evidence satisfactory to the Commissioner of having taken and successfully completed the
15 continuing education requirements. Proof of completion of the continuing education courses
16 must be delivered to the Department of Real Estate, Flag Section, at P.O. Box 137013,
17 Sacramento, CA 95813-7013.

18 5. Respondent shall notify the Commissioner in writing within 72 hours of
19 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,
20 Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of
21 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
22 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
23 constitute an independent violation of the terms of the restricted license and shall be ground for
24 the suspension or revocation of that license.

25 6. All licenses and licensing rights of Respondent are indefinitely suspended
26 unless or until Respondent pays the sum of \$788.60 for the Commissioner's reasonable cost of
27 the investigation which led to this disciplinary action. Said payment shall be in the form of a

1 cashier's check made payable to the Department of Real Estate. The investigative
2 and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O.
3 Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Stipulation.

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5 5/13/24
6 DATED

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8 
9 RICHARD K. UNO, Counsel III
10 DEPARTMENT OF REAL ESTATE

11 * * *

12 I have read the Stipulation and Agreement in Settlement and Order and its terms
13 are understood by me and are agreeable and acceptable to me. I understand that I am waiving
14 rights given to me by the California Administrative Procedure Act (including but not limited
15 to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly,
16 intelligently, and voluntarily waive those rights, including the right of requiring the
17 Commissioner to prove the allegations in the First Amended Accusation at a hearing at which I
18 would have the right to cross-examine witnesses against me and to present evidence in defense
19 and mitigation of the charges. I understand that I must sign and return this Stipulation by fax
20 to (916) 263-3767 or by email to Richard.Uno@dre.ca.gov. I further agree to mail the original
21 Stipulation no later than five days after signing it to: Department of Real Estate, Legal Section,
22 P.O. Box 137007, Sacramento, California 95813-7007. I understand that failure to mail the
23 original back may result in this matter going to hearing.

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25 5/9/2024
26 DATED

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29 MANSUR ARIF ZAHIR

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

5-15-24

DATED

Frank Buda

FRANK BUDA

The foregoing Stipulation and Agreement In Settlement and Order is hereby adopted by the Real Estate Commissioner as her Decision and Order and shall become effective at 12 o'clock noon on AUG 20 2024.

IT IS SO ORDERED 7/29/2024.

CHIKA SUNQUIST
REAL ESTATE COMMISSIONER


By: Marcus L. McCarther, Chief Deputy Real Estate Commissioner