

JUN 17 1982

DEPARTMENT OF REAL ESTATE  
BY K. H. H. H. H.

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of ) No. H-20601 LA  
SURENDRA CHANDULAL SHAH, )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On November 28, 1979, a Decision was rendered herein denying the respondent's application for a real estate broker license, but granting respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to respondent on December 18, 1979, and respondent has operated as a restricted licensee without cause for disciplinary action against him since that time.

On March 5, 1981, respondent petitioned for the removal of restrictions attaching to his real estate broker license.

I have considered the petition of respondent and the evidence submitted in support thereof including his record as a restricted licensee. Respondent has demonstrated to my

1 satisfaction that he meets the requirements of law for the issuance  
2 to him of an unrestricted real estate broker license and that it  
3 would not be against the public interest to issue said license to  
4 him.

5  
6 NOW, THEREFORE, IT IS ORDERED that respondent's petition  
7 for removal of restrictions is granted and that a real estate  
8 broker license be issued to him if he satisfies the following  
9 conditions within six (6) months from the date of this Order:

10 1. Submittal of a completed application and payment of  
11 the fee for a real estate broker license.

12 2. Submittal of evidence of the completion of 45 hours  
13 of approved continuing education offerings within the four-year  
14 period immediately preceding the date on which the evidence of  
15 completion of continuing education is submitted to the Department.

16 This Order shall be effective immediately.

17 DATED: 5/19/82

18  
19  
20 E. Lee Brazil  
21 E. LEE BRAZIL  
22 Real Estate Commissioner  
23  
24

25 cc: Surendra Chandulal Shah  
26 12727 Nottingham Street  
27 Cerritos, California 90701

FILED

DEC 11 1979

DEPARTMENT OF REAL ESTATE  
BY R. Medeiros

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of )  
SURENDRA CHANDULAL SHAH, ) NO. H-20601 LA  
STIPULATION AND WAIVER  
Respondent. )

I, SURENDRA CHANDULAL SHAH, respondent  
herein, do hereby affirm that I have applied to the Department of  
Real Estate for a real estate broker license and that to the best  
of my knowledge I have satisfied all of the statutory require-  
ments for the issuance of the license, including the payment of  
the fee therefor.

I acknowledge that I have received and read the  
Statement of Issues and the Statement to Respondent filed by the  
Department of Real Estate on September 14, 1979, in  
connection with my application for license. I understand that  
the Real Estate Commissioner may hold a hearing on this Statement  
of Issues for the purpose of requiring further proof of my

1 honesty and truthfulness, or that he may in his discretion waive  
2 the hearing and grant me a restricted real estate broker license  
3 based upon this Stipulation and Waiver.

4 I do hereby admit that the allegations of the Statement  
5 of Issues filed against me are true and correct and request that  
6 the Real Estate Commissioner in his discretion issue to me a  
7 restricted real estate broker license under the authority of  
8 Section 10156.5 of the Business and Professions Code.

9 I am aware that by signing this Stipulation and Waiver,  
10 I am waiving my right to a hearing and any opportunity through a  
11 hearing to obtain an unrestricted real estate license at this  
12 time if the Stipulation and Waiver is accepted by the Real Estate  
13 Commissioner. I understand, however, that I am not waiving my  
14 right to a hearing and to further proceedings to obtain a  
15 restricted or unrestricted license if this Stipulation and Waiver  
16 is not accepted by the Commissioner.

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

20 1. The license shall not confer any property right  
21 in the privileges to be exercised thereunder and  
22 the Real Estate Commissioner may by appropriate  
23 order suspend the right of respondent to exercise  
24 any privileges granted under this restricted  
25 license in the event of:

26 a. The conviction of respondent or a plea of  
27 nolo contendere to a crime which bears a

1 significant relation to respondent's fitness  
2 or capacity as a real estate licensee; or  
3 b. The receipt of evidence that respondent has  
4 violated provisions of the California Real  
5 Estate Law, the Subdivided Lands Law, regu-  
6 lations of the Real Estate Commissioner or  
7 conditions attaching to this restricted license.

8 2. Respondent shall not be eligible to apply for the  
9 issuance of an unrestricted real estate license nor  
10 for the removal of any of the conditions, limita-  
11 tions or restrictions of the restricted license  
12 until one year has elapsed from the date of  
13 issuance of the restricted license to respondent.  
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24 DATED this 9th day of November, 1979.

25  
26  
27 L. H. LACRMAN, ESQ.  
Counsel for Respondent

Suendra Chendulal Gul  
Respondent

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

7 Therefore, IT IS HEREBY ORDERED that a restricted real  
8 estate broker license be issued to respondent \_\_\_\_\_  
9 SURENDRA CHANDULAL SHAH if respondent has otherwise  
10 fulfilled all of the statutory requirements for licensure. The  
11 restricted license shall be limited, conditioned and restricted as  
12 specified in the foregoing Stipulation and Waiver.

13 DATED this 28 day of November, 19 79

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16   
17 DAVID H. FOX  
18 Real Estate Commissioner  
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1 SEAN CRAHAN, Counsel  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, CA 90012

(213) 620-4790

FILED

SEP 14 1979

DEPARTMENT OF REAL ESTATE  
BY Laura B. Orna

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Application of ) NO. H-20601 LA  
12 SURENDRA CHANDULAL SHAH, )  
13 Respondent. ) STATEMENT OF ISSUES  
14

15  
16 The Real Estate Commissioner, in conformity with  
17 Section 10152, Division 4, Business and Professions Code of the  
18 State of California, requires further proof of the honesty and  
19 truthfulness of SURENDRA CHANDULAL SHAH in connection with his  
20 application for a real estate broker license commenced on July  
21 31, 1979 and completed on July 16, 1979 and in relation thereto  
22 will consider the following:

23 I

24 At all times between February 1976 through February 6,  
25 1979 SURENDRA CHANDULAL SHAH (hereinafter referred to as  
26 respondent), was licensed by the Department of Real Estate of  
27 the State of California as a real estate salesperson. Effective

1 July 6, 1979 respondent was issued a restricted real estate  
2 salesperson license.

3 II

4 (a) On or about March 26, 1976, respondent purchased  
5 real property located at 11456 East Hart Street in Artesia,  
6 California.

7 (b) For the purpose of obtaining a loan of approximately  
8 90% of the purchase price thereof, respondent knowingly executed  
9 papers in which he fraudulently or dishonestly represented that  
10 he intended to occupy that property as his primary residence.

11 (c) Respondent further fraudulently or dishonestly  
12 represented that property which he owned at 17320 South Mapes  
13 Avenue in Cerritos, California, would be rented to a tenant.

14 (d) These representations were fraudulent or dishonest  
15 in that respondent then and there well knew he would not occupy  
16 11456 East Hart Street as his primary residence and that he then  
17 and there well knew that he would not rent 17320 South Mapes  
18 Avenue to a tenant. Said representations were fraudulent by  
19 virtue of the fact that Beverly Hills Federal Savings and Loan  
20 Association did loan respondent approximately 90% of the purchase  
21 price of 11456 East Hart Street in Artesia, California; but  
22 would not have done so had they known respondent's lack of intent  
23 to use said property as his primary residence.

24 III

25 (a) On or about May 25, 1976, respondent purchased  
26 real property at 17115 South Mapes Avenue in Cerritos, California.  
27 For the purpose of obtaining a loan or approximately 90% of the

1 purchase price thereof, respondent knowingly executed papers in  
2 which he fraudulently or dishonestly represented that he would  
3 occupy said property as his primary residence. On those same  
4 papers respondent further fraudulently or dishonestly failed to  
5 disclose his ownership of 11456 East Hart Street in Artesia,  
6 California. Further, respondent fraudulently or dishonestly  
7 concealed his ownership of 17320 South Mapes Avenue in Cerritos,  
8 California by falsely representing that he was renting that  
9 property.

10 (b) Respondent's representations, non-disclosure, and  
11 concealment were fraudulent or dishonest in that he then and  
12 there well knew that he would not occupy 17115 South Mapes Avenue  
13 as his primary residence and that he was the owner of both the  
14 17320 South Mapes and the 11456 East Hart Street properties.

15 (c) Respondent's representations, non-disclosure and  
16 concealment were fraudulent by virtue of the fact that California  
17 Mortgage Service loaned respondent approximately 90% of the  
18 purchase price of 17115 South Mapes Avenue in reliance on his  
19 representations, non-disclosure and concealment; but would not  
20 have done so had they known of his intention not to occupy said  
21 property and or of this ownership of the two other properties.

22 (d) Respondent's representations, non-disclosure and  
23 concealment were further fraudulent in that respondent made said  
24 representations, non-disclosure and concealment with knowledge  
25 that California Mortgage Service would assign or sell the  
26 promissory note to the Federal National Mortgage Association  
27 (FNMA) and that respondent knew that FNMA required property

1 purchasers to occupy the properties as their primary residences.  
2 In fact, FNMA did purchase the promissory note executed by  
3 respondent in favor of California Mortgage Service in reliance  
4 upon respondent's representations, non-disclosure or concealment;  
5 and would not have purchased said promissory note had FNMA known  
6 respondent's true intention not to occupy said property as his  
7 primary residence.

8 IV

9 (a) On or about August 12, 1976, respondent purchased  
10 real property at 17104 Janell Avenue in Cerritos, California.  
11 For the purpose of obtaining a loan of approximately 90% of the  
12 purchase price thereof, respondent knowingly executed papers in  
13 which he fraudulently or dishonestly represented that he would  
14 occupy the property as his primary residence. Respondent further  
15 fraudulently or dishonestly failed to disclose his ownership of  
16 real properties at 11456 East Hart Street in Artesia and at  
17 17115 South Mapes Avenue in Cerritos, California. Respondent  
18 further fraudulently or dishonestly represented that the property  
19 which he owned at 17320 South Mapes Avenue would be rented to a  
20 tenant.

21 (b) Respondent's representations and non-disclosures  
22 were fraudulent or dishonest in that he then and there well knew  
23 he would not occupy 17104 Janell Avenue in Cerritos as his  
24 primary residence; that he knew that he owned both properties at  
25 11456 East Hart and at 17115 South Mapes Avenue; and that he  
26 would not rent 17320 South Mapes in Cerritos to a tenant.

27 /

1 (c) Respondent's representations and non-disclosures  
2 were fraudulent by virtue of the fact that Mason McDuffie  
3 Company of Southern California loaned approximately 90% of the  
4 purchase price to respondent; and would not have done so had they  
5 known that he would not occupy 17104 Janell Avenue in Cerritos,  
6 California, as his primary residence.

7 V

8 Respondent's conduct with respect to each of the three  
9 loan applications as described above constitutes (a) conduct  
10 which would warrant the denial of an application for a real  
11 estate license; and (b) fraud or dishonest dealing as to each and  
12 every loan application above alleged. Said conduct constitutes  
13 grounds to deny his application for a real estate broker license  
14 under the provisions of the California Business and Professions  
15 Code (B & P Code), Sections 10177(f) and 10177(j).

16  
17 These proceedings are brought under the provisions of  
18 Section 10100, Division 4 of the Business and Professions Code of  
19 the State of California and Sections 11500 through 11528 of the  
20 Government Code.

21 Dated at Los Angeles, California  
22 this 14th day of September, 1979.

23  
24 Art. Council  
25 Deputy Real Estate Commissioner

26 cc: Surendra Chandulal Shah  
27 Sacto.  
OAH  
PG

lbo