

DEC 23 1993

DEPARTMENT OF REAL ESTATE
[Signature]

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-24341 LA
SHMUEL ERDE)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On May 17, 1991, an Order was signed herein, effective immediately, denying the Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license (conditional) was issued to Respondent on June 14, 1991, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On February 3, 1993, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence submitted in support thereof. Respondent has

1 demonstrated to my satisfaction that Respondent meets the
2 requirements of law for the issuance to Respondent of an
3 unrestricted real estate salesperson license and that it would
4 not be against the public interest to issue said license to
5 Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for removal of restrictions is granted and that a real
8 estate salesperson license be issued to Respondent subject to
9 the following understanding and conditions:

10 1. The license issued pursuant to this Order shall be
11 deemed to be the first renewal of Respondent's real estate
12 salesperson license for the purpose of applying the provisions
13 of Section 10153.4 of the Code.

14 2. Within twelve (12) months from the date of this
15 Order, Respondent shall:

16 A. Submit a completed application and pay the
17 appropriate fee for a real estate salesperson license; and

18 B. Submit evidence of having taken and successfully
19 completed the courses specified in subdivisions (a) and (b) of
20 Section 10170.5 of the Real Estate Law for renewal of a real
21 estate license.

22 3. Upon renewal of the license issued pursuant to this
23 Order, Respondent shall submit evidence of having taken and
24 successfully completed the continuing education requirements of
25 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
26 real estate license.

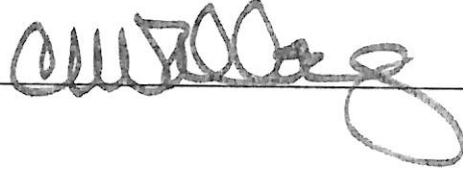
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1 This Order shall be effective immediately.

2 Dated:

12/20/93

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5 CLARK WALLACE
Real Estate Commissioner

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17 cc: SHMUEL ERDE
18 202 N. Foothill
19 Beverly Hills, Calif. 90210-4921
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MAY 23 1991

DEAN OF THE STATE
BY Leona B. Chene

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

SHMUEL ERDE,

Respondent.

No. H-24341 LA

STIPULATION AND WAIVER

I, SHMUEL ERDE, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements 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 December 4, 1990, in connection with my application for a real estate salesperson 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 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I 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 issuance
2 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 request that the Real Estate Commissioner in his discretion issue a restricted real estate salesperson license to
5 me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any such
6 restricted license will be issued subject to and be limited by Section 10153.4 of the Business and Professions
7 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 unrestricted
10 real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate Commissioner.
11 However, I am not waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted
12 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 restricted
14 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 right
16 of renewal, and the Real Estate Commissioner may by appropriate order suspend the right to
17 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 Estate
21 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
22 attaching to this restricted license.
- 23 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
24 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
25 until one year has elapsed from the date of issuance of the restricted license to respondent.
- 26 3. With the application for license, or with the application for transfer to a new employing broker,
27 respondent shall submit a statement signed by the prospective employing broker on a form

1 approved by the Department of Real Estate wherein the employing broker shall certify as follows:

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

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

7 4. Respondent shall, within eighteen (18) months of the date of issuance of the restricted license under
8 the provisions of Section 10153.4 of the Business and Professions Code, submit evidence
9 satisfactory to the Commissioner of successful completion at an accredited institution of two of the
10 courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real
11 estate, advanced real estate finance or advanced real estate appraisal. If respondent fails to present
12 satisfactory evidence of successful completion of said courses, the restricted license shall be
13 automatically suspended effective eighteen (18) months after the date of issuance of the restricted
14 license. Said suspension shall not be lifted until respondent has submitted the required evidence
15 of course completion and the Commissioner has given written notice to the respondent of lifting
16 of the suspension.

17 DATED this 30th day of April, 19 91.

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

6 Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to
7 respondent SHMUEL ERDE if respondent has otherwise fulfilled
8 all of the statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted
9 as specified in the foregoing Stipulation and Waiver.

10 This Order is effective immediately.

11 DATED this 17th day of May, 19 91.

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15 John R. Liberator
16 JOHN R. LIBERATOR
17 Chief Deputy Commissioner
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*Sacto
Jury*

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, CA 90012
(213) 620-4790

DEC -4 1990

DEPARTMENT OF REAL ESTATE
BY *Laura B. Jones*

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Application of)
SHMUEL ERDE,)
Respondent.)

NO. H-24341 LA

STATEMENT OF ISSUES

The Real Estate Commissioner, in conformity with Section 10152, Division 4, Business and Professions Code of the State of California, requires further proof of the honesty and truthfulness of SHMUEL ERDE, (hereinafter referred to as respondent), in connection with respondent's application for a real estate salesperson license, filed on May 25, 1990, and in relation thereto, will consider the following:

I

Respondent, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about May 25, 1990, with the knowledge and understanding that any license issued as a result of

1 said application would be subject to the conditions of Section
2 10153.4 of the Business and Professions Code.

3 II

4 On or about October 7, 1987, in the Superior Court, Los
5 Angeles County, State of California, respondent was convicted of
6 violating Penal Code Section 476a(a) (NSF check), a crime
7 involving moral turpitude.

8 III

9 The crime of which respondent was convicted bears a
10 substantial relationship to the qualifications, functions or
11 duties of a real estate licensee.

12 IV

13 Respondent's conviction is grounds for denying
14 respondent's application for a real estate license under Sections
15 480 and 10177(b) of the Business and Professions Code of the State
16 of California.

17 V

18 At no time herein mentioned was respondent licensed by
19 the Department of Real Estate of the State of California
20 (hereinafter "Department") as a real estate broker.

21 VI

22 During a period of time in 1989, respondent, for or in
23 expectation of compensation, negotiated with various lenders and
24 borrowers, for the refinancing of a commercial property located at
25 7610 Reseda Boulevard, Reseda, California, on behalf of Vahe
26 Aftandilian. During the aforementioned period of time, respondent
27 accepted a commission of \$13,000 for his effort in the loan

1 transaction.

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VII

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The acts described in Paragraph VI above,--are acts which require a real estate license as described in Section 10131(d) of the Business and Professions Code.

VIII

The conduct of respondent, as alleged in Paragraph VI above, was in violation of Section 10130 of the Business and Professions Code and is grounds to deny respondent's application for a real estate license under Sections 10177(d) and 10177(j) of the Business and Professions Code.

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

Dated at Los Angeles, California
this 4th day of December, 1990.

STEVEN J. ELLIS

Deputy Real Estate Commissioner

lbo

cc: Shmuel Erde
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