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FILED
FEB - 2 2005
DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-24393 LA
Marilyn Benji,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 2, 1991, a Decision was rendered herein revoking Respondent's 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 was issued to Respondent or about November 5, 1991. On November 4, 1995, Respondent's restricted real estate salesperson license expired and it was not renewed.

On May 11, 2000, Respondent petitioned for reinstatement of said real estate salesperson license. On November 22, 2000, an Order Denying Reinstatement of License was filed. Said Order denied Respondent's petition pursuant to Section 2911(a), Title 10, Chapter 6, California Code of Regulations.

1 On May 19, 2004, Respondent again petitioned for
2 reinstatement of said real estate salesperson license and
3 the Attorney General of the State of California has been
4 given notice of the filing of said petition.

5 I have considered the petition of Respondent and
6 the evidence and arguments in support thereof. Respondent
7 has demonstrated to my satisfaction that Respondent meets
8 the requirements of law for the issuance to Respondent of an
9 unrestricted real estate salesperson license and that it would
10 not be against the public interest to issue said license to
11 Respondent.

12 NOW, THEREFORE, IT IS ORDERED that Respondent's
13 petition for reinstatement is granted and that a real estate
14 salesperson license be issued to Respondent, if Respondent
15 satisfies the following conditions within twelve (12) months
16 from the date of this Order:

17 1. Submittal of a completed application and payment
18 of the fee for a real estate salesperson license.

19 2. Submittal of evidence satisfactory to the Real
20 Estate Commissioner that Respondent has, since Respondent's
21 license was revoked, taken and passed the written examination
22 required to obtain a real estate salesperson license.


23 3. Submittal of evidence of having, since the most
24 recent issuance of an original or renewal real estate license,
25 taken and successfully completed the continuing education
26 requirements of Article 2.5 of Chapter 3 of the Real Estate
27 Law for renewal of a real estate license.

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This Order shall be effective immediately.

Dated: 1-14-05

JEFF DAVI
Real Estate Commissioner

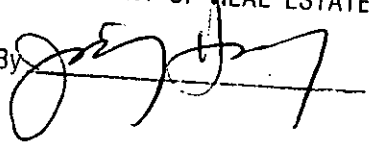


cc: Marilyn Benji
4037 San Remo Way
Tarzana, CA 91356

20523 Oxnard Street
Woodland Hills, CA 91367

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FILED
NOV 22 2000
DEPARTMENT OF REAL ESTATE
By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-24393 LA
)
MARILYN BENJI)
aka Marilyn B. Younessi)
)
Respondent.)
_____)

ORDER DENYING REINSTATEMENT OF LICENSE

On August 2, 1991, a Decision was rendered herein revoking the real estate salesperson license of Respondent, MARILYN BENJI (hereinafter "Respondent"), effective August 28, 1991, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Said restricted real estate salesperson license was issued to Respondent on November 5, 1991.

On May 11, 2000, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of said petition.

1 I have considered the petition of Respondent and
2 the evidence submitted in support thereof. Respondent has
3 failed to demonstrate to my satisfaction that she has
4 undergone sufficient rehabilitation to warrant the
5 reinstatement of her real estate salesperson license at this
6 time. This determination has been made in light of
7 Respondent's history of acts and conduct which are
8 substantially related to the qualifications, functions and
9 duties of a real estate licensee. That history includes:

10 I

11 On or about November 13, 1986, in the Municipal
12 Court of California, Los Angeles Judicial District,
13 Respondent was convicted of violating Section 484(a) of the
14 Penal Code (petty theft) a crime involving moral turpitude.
15 Said conviction was the result of her conduct in 1986
16 wherein she was apprehended after stealing canyons from
17 Sears.

18 II

19 Because of her failure to reveal the conviction
20 set forth, above, in Paragraph I, on her application for a
21 real estate salesperson license, an Accusation was filed and
22 Respondent's real estate salesperson license was revoked
23 with a right to apply for and to receive her present
24 restricted license.

25 III

26 In a recent interview with a Deputy Real Estate
27 Commissioner respondent admitted that she had been

1 apprehended shoplifting lipstick from Long's Drug in August
2 of 1995. As a result of this arrest she was convicted of
3 violating 490.1 of the Penal Code, petty theft less than
4 \$50.00, an infraction.

5 IV

6 Convicted of Petty Theft in 1986, and again caught
7 shoplifting in 1995, Respondent has failed to demonstrate to
8 my satisfaction that she is completely rehabilitated. This
9 is cause for denial of her petition for reinstatement of
10 license pursuant to Section 2911(a) of Chapter 6, Title 10,
11 California Code of Regulations.

12 NOW, THEREFORE, IT IS ORDERED that Respondent's
13 petition for reinstatement is denied.

14
15 This Order shall become effective on
16 December 12, 2000.

17 DATED: November 19, 2000.

18
19 PAULA REDDISH ZINNEMANN
Real Estate Commissioner

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George W. Wright, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California, 90012

Telephone: (213) 620-4790

310-3 1531

K. J. ...

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	H-24393 LA
)	
MERILYN BENJI aka)	<u>STIPULATION AND AGREEMENT</u>
Marilyn Benji,)	<u>IN SETTLEMENT AND ORDER</u>
)	
Respondent.)	
)	

It is hereby stipulated by and between MARILYN BENJI (sometimes referred to as "Respondent"), and the Complainant, acting by and through George W. Wright, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on DECEMBER 5, 1990, 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

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submitted solely on the basis of the provisions of this Stipulation.

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

3. On December 17, 1990, Respondent filed a Notice of Defense pursuant to Section 11505 of the Government Code for the purpose of requesting a hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent acknowledges that she understands that by withdrawing said Notice of Defense, she will thereby waive her right to require the Commissioner to prove the allegations in the Accusation at a contested hearing held in accordance with the provisions of the APA and that she will waive other rights afforded to her in connection with the hearing such as the right to present evidence in defense of the allegations in the Accusation and the right to cross-examine witnesses.

4. Respondent, pursuant to the limitations set forth below, hereby admits that the factual allegations in Paragraphs one (1) through seven (7) of the Accusation filed in this proceeding are true and correct and the Real Estate Commissioner shall not be required to provide further evidence of such allegations.

5. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation And Agreement In Settlement and Order as his decision in this matter thereby

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imposing the penalty and sanctions on Respondent's real estate licenses and license rights as set forth in the below "order". In the event that the Commissioner in his discretion does not adopt the Stipulation And Agreement In Settlement and Order, the Stipulation And Agreement In Settlement and Order shall be void and of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation under all the provisions of the APA and shall not be bound by any admission or waiver made herein.

6. The Order or any subsequent Order of the Real Estate Commissioner made pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or civil proceedings by the Department of Real Estate with respect to any matters which were not specifically alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

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

The conduct or omissions of Respondent MERILYN BENJI as set forth in paragraphs three (3) through five (5) of the Accusation constitute cause to suspend or revoke her real estate licenses and license rights under the provisions of Business and Professions Code Sections 490, 10177(a) and 10177(b).

/

/

1
2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 A. The licenses and license rights of MERILYN BENJI
5 under Part 1 of Division 4 of the Business and Professions Code
6 are revoked.

7 B. However, Respondent shall be entitled to apply for
8 and be issued a restricted real estate salesperson license
9 pursuant to Section 10156.5 of the Code if Respondent makes
10 application therefor and pays to the Department of Real Estate the
11 appropriate fee for said license within one hundred twenty (120)
12 days from the effective date of the Decision.

13 C. The restricted license issued to Respondent shall be
14 subject to all of the provisions of Section 10156.7 of the
15 Business and Professions Code and to the following limitations,
16 conditions and restrictions imposed under authority of Section
17 10156.6 of said Code:

18 (1) Said restricted license may be suspended prior
19 to hearing by order of the Real Estate Commissioner in the event
20 of Respondent's conviction or plea of nolo contendere to a crime
21 which bears a significant relation to Respondent's qualifications,
22 duties or functions as a real estate licensee.

23 (2) Said restricted license may be suspended prior
24 to hearing by Order of the Real Estate Commissioner on evidence
25 satisfactory to the Commissioner that Respondent has violated
26 provisions of the California Real Estate law, the Subdivided Lands
27 Law, Regulations of the Real Estate Commissioner, or the
conditions attaching to this restricted license.

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(3) Respondent shall, within nine (9) months from
the effective date of the restricted license, present evidence
satisfactory to the Real Estate Commissioner that she has taken
and successfully completed the courses specified in subdivisions
(a) and (b) of Section 10170.5 of the Real Estate Law for renewal
of a real estate license. The restricted license issued pursuant
to this Decision shall be deemed to be the first renewal of
Respondent's real estate salesperson license for the purposes of
applying the provisions of Section 10153.4. Upon renewal of the
license issued pursuant to this Decision or upon reinstatement of
Respondent's real estate salesperson license, Respondent shall
submit evidence of having taken and successfully completed the
continuing education requirements of Article 2.5 of Chapter 3 of
the Real Estate Law for renewal of a real estate license. If
Respondent fails to satisfy this condition, the Real Estate
commissioner may order the suspension of the restricted license
until Respondent presents such evidence. The Real Estate
Commissioner shall afford Respondent the opportunity for a hearing
pursuant to the APA to present such evidence.

(4) Respondent shall report in writing to the
Department of Real Estate as the Real Estate Commissioner shall
direct by his Decision herein or by separate written order issued
while Respondent holds a restricted license, such information
concerning Respondent's activities for which a real estate license
is required as the Commissioner shall deem to be appropriate to
protect the public interest.

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(5) Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions of a restricted license until one (1) year(s) have elapsed from the date of issuance of the restricted license to Respondent.

I have read the Stipulation And Agreement In Settlement, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including the right of requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

DATED: 7/14/91 *Mailem B...*, Respondent

The foregoing Stipulation and Agreement In Settlement is hereby adopted as my Decision and Order and shall become effective at 12 o'clock noon on August 28, 1991.

Clark Wallace
CLARK WALLACE
Real Estate Commissioner

IT IS SO ORDERED August 2, 1991.

Handwritten signature

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED

APR 25 1991

DEPARTMENT OF REAL ESTATE
BY *R. Rudolph*

In the Matter of the Accusation of

MERILYN BENJI,

}
}

Case No. H-24393 LA

OAH No. L-52384

Respondent(s)

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 314 West First Street, Los Angeles

on the 24th day of July, 19 91, at the hour of 9:00 a.m., or as soon thereafter
as the matter can be heard, upon the charges made in the Accusation served upon you.

You may be present at the hearing, and you may be represented by counsel, but you are neither required to be present at the hearing nor to be represented by counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you upon any express admissions, or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the hearing officer conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the hearing officer directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: April 25, 1991

By *George W. Wright* Counsel

cc: Marilyn Benji
Sacto.
OAH

Wright

1 GEORGE W. WRIGHT, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5
6
7
8 (213) 620-4790

DEC-5 1980

DEPARTMENT OF REAL ESTATE
BY K. Nuberhelt

9 DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 * * * *

12 In the Matter of the Accusation of) No. H-24393 LA
13 MERILYN BENJI,)
14 aka Marilyn Benji,) A C C U S A T I O N
Respondent.)

15 The Complainant, Steven J. Ellis, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against MERILYN BENJI aka Marilyn Benji, alleges as follows:

18 I

19 The Complainant, Steven J. Ellis, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 his official capacity.

22 II

23 MERILYN BENJI (hereinafter referred to as Respondent)
24 is presently licensed and/or has license rights under the Real
25 Estate Law (Part 1 of Division 4 of the Business and Professions
26 Code).

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III

On or about December 26, 1989, respondent applied for a real estate salesperson license which was subject to the provisions of Section 10153.4(c) of the Business and Professions Code. As respondent had failed to transmit the application fee with the application, respondent filed a second application with payment on or about March 30, 1990. On or about April 6, 1990, respondent was issued a real estate salesperson license and has continuously and is presently licensed and/or has license rights under the Real Estate Law.

IV

In response to Question Number 25 on the application submitted on or about December 26, 1989, to wit "Have you ever been convicted of any violation of law? (You may omit any traffic violation where the disposition was a fine and the amount was \$100 or less)", respondent marked the answer box denoting "No". On the second application submitted on or about March 30, 1990, respondent failed to mark the answer box for Question Number 25, denoting either a "Yes" or a "No" answer.

V

On or about November 13, 1986, in the Municipal Court of California, Los Angeles Judicial District, respondent was convicted of violating Section 484(a) of the Penal Code (petty theft), a crime involving moral turpitude.

VI

The crime of which respondent was convicted bears a substantial relationship to the qualifications, functions or duties

1 of a real estate licensee.

2

VII

3 Respondent's failure to reveal the conviction against
4 her, as set forth in Paragraph V above, in said application
5 constitutes the procurement of a real estate license by fraud,
6 misrepresentation or deceit, or by making a material misstatement
7 of fact in said application, which is cause for suspension or
8 revocation of respondent's real estate license and/or license
9 rights under Sections 490 and/or 10177(a) of the Business and
10 Professions Code of the State of California.

11

12 WHEREFORE, complainant prays that a hearing be conducted
13 on the allegations of this Accusation and that upon proof thereof,
14 a decision be rendered imposing disciplinary action against all
15 licenses and license rights of Respondent MERILYN BENJI, aka
16 Marilyn Benji under the Real Estate Law (Part 1 of Division 4 of
17 the Business and Professions Code) and for such other and further
18 relief as may be proper under other applicable provisions of law.
19 Dated at Los Angeles, California
20 this 5th day of December, 1990.

21

22


Deputy Real Estate Commissioner

23

24

25 cc: Merilyn Benji
26 Sacto.
RG

27