

FILED
MAR 23 2005
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-25272 LA
MAHMUD ULKARIM,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On August 23, 1993, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On January 16, 1996, Respondent petitioned for
reinstatement of said real estate salesperson license. On
September 18, 1996, an Order Denying Reinstatement of License
was filed. Said Order cited cause to deny Respondent's petition
pursuant to Sections 2911(a), 2911(c) and 2911(d) of Title 10,
Chapter 6, California Code of Regulations ("Regulations").

On October 27, 1997, Respondent again petitioned for
reinstatement of said real estate salesperson license. On April
13, 1998, an Order Denying Reinstatement of License was filed.
Said Order cited cause to deny Respondent's petition pursuant to
Regulations 2911(a) and 2911(i).

1 Respondent petitioned for reconsideration of the 1998
2 Order Denying Reinstatement of License. On June 5, 1998, an
3 Order Granting Reconsideration was filed. Said Order denied
4 Respondent's petition, but granted Respondent the right to the
5 issuance of a restricted real estate salesperson license, on
6 certain terms and conditions.
7

8 A restricted real estate salesperson license was
9 issued to Respondent on July 8, 1998.

10 On December 29, 2003, Respondent again petitioned
11 for reinstatement of his real estate salesperson license and
12 the Attorney General of the State of California has been
13 given notice of the filing of said petition.

14 I have considered the petition of Respondent and the
15 evidence and arguments in support thereof including Respondent's
16 record as a restricted licensee. Respondent has demonstrated to
17 my satisfaction that Respondent meets the requirements of law
18 for the issuance to Respondent of an unrestricted real estate
19 salesperson license and that it would not be against the public
20 interest to issue said license to Respondent.

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2 NOW, THEREFORE, IT IS ORDERED that Respondent's
3 petition for reinstatement is granted and that a real estate
4 salesperson license be issued to Respondent if Respondent
5 satisfies the following conditions within nine (9) months from
6 the date of this Order:

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

9 2. Submittal of evidence of having, since the most
10 recent issuance of an original or renewal real estate license,
11 taken and successfully completed the continuing education
12 requirements of Article 2.5 of Chapter 3 of the Real Estate
13 Law for renewal of a real estate license.

14 This Order shall be effective immediately.

15 Dated: 3-16-05

16 JEFF DAVI
17 Real Estate Commissioner
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26 cc: Mahmud Ulkarim
27 6846 Quakertown Ave.
Canoga Park, CA 91306

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FILED
JUN - 5 1998
DEPARTMENT OF REAL ESTATE

By C37

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-25272 LA
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)
MAHMUD ULKARIM)
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Respondent.)
_____)

ORDER GRANTING RECONSIDERATION

On April 9, 1998, an Order Denying Reinstatement of License was rendered herein, effective May 5, 1998, denying the Respondent's petition for the reinstatement of his real estate salesperson license. On April 22, 1998, an Order Staying Effective date was signed changing the effective date to June 4, 1998.

On or about May 20, 1998, Respondent's petition for reconsideration was received.

I have considered Respondent's petition for reconsideration and the evidence submitted in support thereof. Respondent has demonstrated to my satisfaction that good cause has been presented for reconsideration of the Order of April 9, 1998.

1 NOW, THEREFORE, IT IS ORDERED that Respondent's
2 petition for reinstatement of his real estate salesperson
3 license is denied. However, Respondent has offered evidence
4 that he is partially rehabilitated and it appears that
5 Respondent will pose no danger to the public if issued a
6 properly restricted salesperson license.
7

8 Therefore, a restricted real estate salesperson
9 license shall be issued to Respondent pursuant to Section
10 10156.5 of the Code after Respondent satisfied the following
11 conditions within six (6) months from the date of this Order:

12 1. Submittal of evidence that Respondent has, since
13 his license was revoked, taken and successfully passed the
14 Continuing Education Requirements of Section 10170.5 of the
15 Business and Professions Code for renewal of a real estate
16 license.

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

19 The restricted license issued to Respondent shall be
20 subject to all of the provisions of Section 10156.7 of the Code
21 and to the following limitations, conditions and restrictions
22 imposed under authority of Section 10156.5 of said Code:

23 1. The restricted license shall not confer any
24 property right in the privileges to be exercised thereunder and
25 the Real Estate Commissioner may by appropriate order suspend
26 prior to hearing the right of Respondent to exercise any
27 privileges granted under the restricted license in the event of:



1 (a) The conviction of Respondent (including a plea of
2 nolo contendere) of a crime which bears a significant
3 relationship to Respondent's fitness or capacity as a real
4 estate licensee.

5 (b) The receipt of evidence satisfactory to the Real
6 Estate Commissioner that subsequent to the date of the Order
7 herein Respondent has violated provisions of the California Real
8 Estate Law, Regulations of the Real Estate Commissioner, or
9 conditions attaching to said restricted license.

10 2. Respondent shall submit with his application for
11 said restricted license under an employing broker or any
12 application in the future for a transfer of said restricted
13 license to a new employing broker, a statement signed by the
14 prospective employing broker which shall certify:

15 (a) That said employing broker has read the Order of
16 the Commissioner which granted the right to a restricted
17 license; and

18 (b) That said employing broker will exercise close
19 supervision over the performance of the restricted license of
20 activities for which a real estate license is required.

21 Respondent shall not be eligible to apply for the
22 issuance of an unrestricted real estate license nor the removal
23 of any of the conditions, limitations or restrictions attaching
24



1 to the restricted license until at least one year has elapsed
2 from the effective date of this Order.
3

4 This Order shall become effective at 12 o'clock
5 noon on June 25, 1998.

6 DATED; 6/3/98
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8 JIM ANTT, JR.
9 Real Estate Commissioner
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MAHMUD ULKARIM
6846 Quakertown Ave.
Canoga Park, California 91306



By CB

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5800

FILED
APR 13 1998
DEPARTMENT OF REAL ESTATE

By C. J. [Signature]

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-25272 LA
MAHMUD ULKARIM)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1993, a Decision was rendered herein
revoking the real estate salesperson license of Respondent,
MAHMUD ULKARIM (hereinafter "Respondent"), effective
September 28, 1993.

On October 27, 1997, Respondent again 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.

I have considered the petition of Respondent and
the evidence submitted in support thereof. Respondent has
failed to demonstrate to my satisfaction that he has
undergone sufficient rehabilitation to warrant the

1 reinstatement of his real estate salesperson license at this
2 time. This determination has been made in light of
3 Respondent's history of acts and conduct which are
4 substantially related to the qualifications, functions and
5 duties of a real estate licensee. That history includes:

6 I

7 In the Decision which revoked his real estate
8 salesperson's license there were Findings of Fact that
9 Respondent was convicted of violating Section 487(1) of the
10 Penal Code (Grand Theft by Embezzelment) on July 13, 1992,
11 and that Respondent was ordered to make restitution amounting
12 to \$25,094 plus interest. Respondent was also placed on
13 probation for a period of five years. According to the
14 Findings this theft was related to Respondent's employment
15 with Thrifty Drug Stores. At the hearing on this matter
16 Respondent testified that he regretted his conduct and knew
17 it was a crime.

18 II

19 At his January 30, 1998, interview with a Deputy
20 Real Estate Commissioner Respondent said he regretted his
21 decision to plead guilty to the aforesaid Embezzelment
22 charges and said he was only complying with the orders of a
23 superior to liquidate merchandise and then was blamed for the
24 store's subsequent shortages.

25 III

26 Due to the serious nature of the acts that led to
27 the revocation of Respondent's license, and his present
failure to accept responsibility for his own criminal



1 conduct, not enough time has passed for Respondent to
2 establish that he is completely rehabilitated. This is cause
3 to deny his petition for reinstatement of license pursuant to
4 Section 2911 (a) of the Regulations.

5 IV

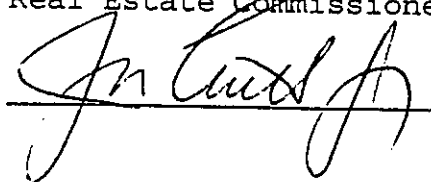
6 At the present time Respondent owes Avco
7 Financial and Montgomery Wards some \$4800.00 for past due
8 debts and legal action has been filed against Respondent by
9 these creditors. This is further evidence of a lack of
10 rehabilitation and is cause to deny his petition pursuant to
11 Section 2911(i) of the Regulations.

12 NOW, THEREFORE, IT IS ORDERED that Respondent's
13 petition for reinstatement of his real estate salesperson's
14 license is denied.

15 This Order shall become effective at 12
16 o'clock noon on May 5, 1998.

17
18 DATED; 4/9/98

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20 JIM ANTT, JR.
21 Real Estate Commissioner

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26 MAHMUD ULKARIM
27 6846 Quakertown Ave.
Canoga Park, California 91306

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FILED
SEP. 18 1996
DEPARTMENT OF REAL ESTATE

By *K. Knecht*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of) No. H-25272 LA
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)
MAHMUD ULKARIM)
)
Respondent.)
)
_____)

ORDER DENYING REINSTATEMENT OF LICENSE

On August 23, 1993, a Decision was rendered herein
revoking the real estate salesperson license of MAHMUD
ULKARIM, (hereinafter referred to as Respondent), effective
September 28, 1993.

On January 16, 1996, 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.

I have considered the petition of Respondent and the
evidence submitted in support thereof. Respondent has failed to
demonstrate to my satisfaction that he has undergone sufficient

1 rehabilitation to warrant the reinstatement of his real estate
2 salesperson license at this time. This determination has been
3 made in light of Respondent's history of acts and conduct which
4 are substantially related to the qualifications, functions and
5 duties of a real estate licensee. That history includes:

6
7 I

8 In the Order which revoked the real estate salesperson
9 license of Respondent a Determination of Issues was made that
10 there was cause to suspend or revoke the license of Respondent
11 pursuant to the provisions of Sections 490 and 10177(b) of the
12 California Business and Professions Code. The reason for this
13 Determination was that Respondent was convicted on his plea of
14 guilty to violating Penal Code Section 487(1) (grand theft by
15 embezzlement) on July 13, 1992, a felony involving moral
16 turpitude and substantially related to the qualifications,
17 functions and duties of a real estate licensee. For this
18 conviction, Respondent was placed on formal probation for 5
19 years on various terms and conditions, including that he spend 1
20 year in county jail, which was stayed, payment of restitution in
21 the amount of \$25,094 plus interest, and performance of 500
22 hours of community service. Although restitution has been paid
23 in full and community service completed, Respondent is still on
24 probation and his conviction has not been expunged. This
25 demonstrates a lack of rehabilitation and is cause to deny his
26 petition pursuant to Sections 2911(c) and (d) of Chapter 6,
27 Title 10, California Code of Regulations (Regulations).



II

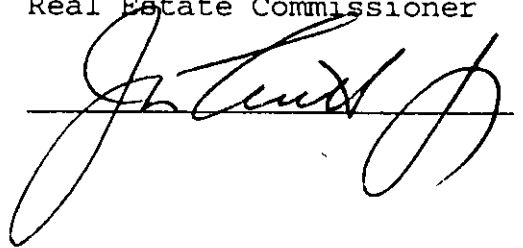
Further, due to the serious nature of the conduct which led to the revocation of Respondent's license, not enough time has passed to establish that he is rehabilitated. This is additional cause to deny Respondent's petition pursuant to Section 2911(a) of the Regulations.

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

This Order shall become effective at 12 o'clock noon on October 8 1996.

DATED; 9/12/96

JIM ANTT JR.
Real Estate Commissioner



MAHMUD ULKARIM
6846 Quakertown Avenue
Canoga Park, California 91306

FILED

SEP-7 1993

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE

BY C. Bay

* * * *

In the Matter of the Accusation of)

No. H- 25272 LA

MAHMUD ULKARIM,
aka Mahmudul Darim,

L- 60178

Respondent.)

DECISION

The Proposed Decision dated August 11, 1993
of the Administrative Law Judge of the Office of Administrative
Hearings, is hereby adopted as the Decision of the Real Estate
Commissioner in the above-entitled matter.

The Decision suspends or revokes one or more real
estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate
license or to the reduction of a suspension is controlled by
Section 11522 of the Government Code. A copy of Section 11522
and a copy of the Commissioner's Criteria of Rehabilitation
are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock
noon on September 28, 1993.

IT IS SO ORDERED

8/23/93

CLARK WALLACE
Real Estate Commissioner

CW Wallace

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation)	
against:)	
)	
)	Case No. H-25272-LA
MAHMUD ULKARIM,)	
aka Mahmudul Darim,)	OAH No. L-60178
)	
Respondent.)	

PROPOSED DECISION

This matter came on regularly for hearing before David B. Rosenman, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California on July 29, 1993. Complainant, the Department of Real Estate ("DRE"), was represented by Darlene Averetta, Staff Counsel. Respondent, Mahmud Ulkarim, was present and was represented by Franklin D. Pelletier, attorney at law.

Oral and documentary evidence was received, and the matter was submitted.

FINDINGS OF FACT

The Administrative Law Judge makes the following Findings of Fact:

1. The Accusation was made by Steven J. Ellis, a Deputy Real Estate Commissioner, in his official capacity.
2. Respondent was issued a license as a real estate salesperson by DRE on June 27, 1990.
3. On July 13, 1992, in the Superior Court of California, County of Los Angeles, in case no. BA044942-01, respondent was convicted on his plea of guilty of violating Penal Code section 487(1) (grand theft by embezzlement), a felony involving moral turpitude and substantially related to the qualifications, functions and duties and of a DRE licensee under the criteria set forth in California Code of Regulations, Title 10, section 2910.

Proceedings were suspended and respondent was placed on formal probation for 5 years on various terms and conditions, including that he spend 1 year in county jail, which was stayed, payment of restitution in the amount of \$25,094 plus interest,

and performance of 500 hours of community service.

4. Respondent has paid the restitution and is serving his community service on a periodic basis.

5. No evidence was introduced as to the facts and circumstances leading to respondent's conviction other than that it was related to his employment with Thrifty drug stores at that time, and that it did not relate in any way to activities for which a DRE license is necessary.

Respondent testified that he regrets his conduct and knows that it was a crime.

6. Respondent now owns and manages his own business, a donut shop, and is not presently engaged in any licensed activities. He was born in Bangladesh, came to the United States in 1982, and is now a citizen. He is married, with no children, but helps in the support of a large extended family in Bangladesh.

7. Respondent requests that his license be revoked, that the revocation be stayed, and that he be placed on probation with a restricted license.

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DETERMINATION OF ISSUES

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

1. Grounds exist for the revocation or suspension of the respondent's license pursuant to Business and Professions Code section 490, as that section interacts with section 10177(b), for conviction of a crime, as set forth in Findings 3 and 4.

2. Pursuant to Business and Professions Code section 493, the DRE "may inquire into the circumstances surrounding the commission of a crime in order to fix the degree of discipline." However, in this case, little substantive information was revealed about the crime. Further, there was little positive evidence of rehabilitation under the criteria set forth in California Code of Regulations, Title 10, section 2912.

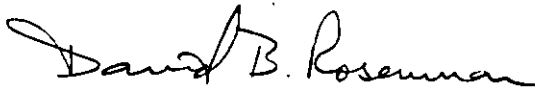
Without such evidence, it is impossible to determine if respondent is rehabilitated to any significant extent.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The real estate salesperson's license of respondent Mahmud Ulkarim is revoked.

DATED: August 11, 1993.



DAVID B. ROSENMAN
Administrative Law Judge
Office of Administrative Hearings

DBR/dr

See

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

JUL 26 1993

In the Matter of the Accusation of)

Case No. H-25272 LA

MAHMUD ULKARIM,

OAH No. L-60178

Respondent(s)

NOTICE OF CONTINUED HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 314 W. First Street, Los Angeles, CA 90012 on Thursday, July 29, 1993, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission 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 Administrative Law Judge 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 Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: May 24, 1993

By

Darlene Averetta

DARLENE AVERETTA, Counsel

cc: Mahmud Ulkarim
✓ Sacto.
OAH

CEB

RE-501 (La Mac 11/92)

MAR 22 1993

Case No. H-25272 ~~LA~~ DEPARTMENT OF REAL ESTATE
BY C. Berry
OAH No. L-60178

RE 501 (La Mac 11/92)

5/10/93
Elas

DARLENE AVERETTA, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012
(213) 897-3937

FILED

JAN-8 1993

DEPARTMENT OF REAL ESTATE
BY *[Signature]*

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-25272 LA
MAHMUD ULKARIM,)	
aka Mahmudul Darim,)	A C C U S A T I O N
Respondent.)	

The Complainant, Steven J. Ellis, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against MAHMUD ULKARIM, aka Mahmudul Darim (hereinafter Respondent), alleges as follows:

I

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

II

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (hereinafter the "Code"),

1 as a real estate salesperson.

2 III

3 Respondent was originally licensed by the Department of
4 Real Estate of the State of California (Department) as a real
5 estate salesperson on June 27, 1990.

6 IV

7 On or about July 13, 1992, in the Superior Court of the
8 State of California, for the County of Los Angeles, Respondent was
9 convicted on his plea of guilty of one count of violating Section
10 487.1 of the California Penal Code (Grand Theft/Embezzlement), a
11 felony and a crime involving moral turpitude which bears a
12 substantial relationship under Section 2910, Title 10, Chapter 6,
13 California Code of Regulations, to the qualifications, functions or
14 duties of a real estate licensee.

15 V

16 The crime of which Respondent was convicted, as described
17 in Paragraph IV, above, constitutes cause under Sections 490 and
18 10177(b) of the Code for the suspension or revocation of the
19 license and license rights of Respondent under the Real Estate Law.

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1 WHEREFORE, Complainant prays that a hearing be conducted
2 on the allegations of this Accusation and, that upon proof thereof,
3 a decision be rendered imposing disciplinary action against the
4 license and license rights of Respondent MAHMUD ULKARIM, aka
5 Mahmudul Darim, under the Real Estate Law (Part 1 of Division 4 of
6 the Business and Professions Code), and for such other and further
7 relief as may be proper under other applicable provisions of law.
8 Dated at Los Angeles, California
9 this 8th day of January, 1993.

10 
11 STEVEN J. ELLIS
12 Deputy Real Estate Commissioner
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25 cc: Mahmud Ulkarim
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