

1 Department of Real Estate  
2 107 South Broadway, Room 8107  
3 Los Angeles, California, 90012  
4  
5 (213) 897-3937  
6  
7

**FILED**  
FEB 13 1998  
DEPARTMENT OF REAL ESTATE

By Laura B. Orma

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \* \*

11 In the Matter of the Accusation of ) H-26827 LA  
12 ALEXANDER REALTY INC., )  
13 a California corporate broker and ) STIPULATION AND WAIVER  
14 TOBY KASSAN, as the designated )  
15 officer of Alexander Realty Inc., ) L-9612062  
Respondents. )

16 It is hereby stipulated by and between ALEXANDER REALTY,  
17 INC. and TOBY KASSAN (sometimes referred to as Respondents ARI or  
18 KASSAN, respectively), acting by and through Steven K. Camhi, Camhi  
19 & Camhi, Respondent KASSAN's Counsel, and the Complainant, acting  
20 by and through Sean Crahan, Counsel for the Department of Real  
21 Estate, as follows for the purpose of settling and disposing of the  
22 Accusation filed on November 22, 1996, and the Amended accusation,  
23 attached hereto as Exhibit A, to be filed concurrently with the  
24 adoption of this Stipulation.

25 1. Respondents have received, read and understand the  
26 Accusation, Amended Accusation, Statement to Respondent, the  
27 Discovery Provisions of the APA and the Accusation, filed by the

1 Department of Real Estate in this proceeding.

2 2. On December 3, 1996, Respondents filed a Notice of  
3 Defense pursuant to Section 11505 of the Government Code for the  
4 purpose of requesting a hearing on the allegations in the  
5 Accusation.

6 3. A hearing on was held on May 12, 1997, before the  
7 Office of Administrative Hearings. On May 20, 1997, the  
8 Administrative Law Judge submitted a Proposed Decision. On June 3,  
9 1997, the Real Estate Commissioner signed a Notice of Rejection of  
10 the Proposed Decision informing the parties that, pursuant to  
11 Government Code Section 11517(c), the Commissioner would decide the  
12 matter based upon the record of the hearing, without taking  
13 additional evidence, after affording Respondent the opportunity to  
14 present written argument to the Real Estate Commissioner.

15 4. Respondents ARI and KASSAN and her counsel have read  
16 and reviewed the Proposed Decision of the Administrative Law Judge  
17 dated May 20, 1997.

18 5. All issues which were tried and determined at the  
19 hearing held on May 12, 1997 shall instead and in place thereof be  
20 submitted solely on the basis of this Stipulation And Waiver  
21 (hereafter Stipulation).

22 6. This Stipulation and Agreement in Settlement and  
23 Order relates to the conduct or omissions as found by the  
24 Administrative Law Judge in the Proposed Decision dated May 20,  
25 1997 and paragraphs 6 and 8(c) of the Amended Accusation.  
26 Respondent chooses not to contest the findings by the  
27 Administrative Law Judge and to remain silent and understands that,



1 as a result thereof, the findings by the Administrative Law Judge  
2 and paragraphs 6 and 8(c) of the Amended Accusation will serve as a  
3 basis for the discipline stipulated to herein. This Stipulation  
4 and Agreement in Settlement and Order and the Respondent's decision  
5 not to contest the Amended Accusation or findings by the  
6 Administrative Law Judge is hereby expressly limited to this  
7 proceeding and made for the sole purpose of reaching an agreed  
8 disposition of this proceeding, only. Respondent's decision not to  
9 contest the findings is made solely for the purpose of effectuating  
10 this Stipulation and is intended by Complainant and Respondent to  
11 be non-binding upon her in any actions against Respondents by third  
12 parties and shall not be deemed, used, or accepted as an  
13 acknowledgment or admission. However, the results of this  
14 Stipulation may provide the basis for establishing prior  
15 discipline, and the basis thereof, in any subsequent proceeding by  
16 Complainant.

17 7. Respondents ARI and KASSAN understand that by  
18 signing this Stipulation and Waiver, they are waiving their right  
19 to obtain a dismissal of the Accusation through proceedings under  
20 Government Code Section 11517(c) if this Stipulation is accepted by  
21 the Real Estate Commissioner. However, Respondents ARI and KASSAN  
22 also understand that they are not waiving their right to further  
23 proceedings to obtain a dismissal of the Accusation if this  
24 Stipulation and Waiver is not accepted by the Real Estate  
25 Commissioner.

26 8. It is understood by the parties that the Real Estate  
27 Commissioner may adopt the Order in this Stipulation as his



1 order in this matter thereby imposing the penalty and sanctions on  
2 Respondents' real estate licenses and/or license rights as set  
3 forth in the below Order. In the event that the Commissioner in  
4 his discretion does not adopt the Stipulation, the Stipulation And  
5 Waiver shall be void and of no effect.

6 9. The Order or any subsequent Order of the Real Estate  
7 Commissioner made pursuant to this Stipulation shall not constitute  
8 an estoppel, merger or bar to any further administrative or civil  
9 proceedings by the Department of Real Estate with respect to any  
10 matters which did not arise out of or relate to the allegations in  
11 the accusation or amended accusation.

12 DETERMINATION OF ISSUES

13 By reason of the foregoing Stipulation And Waiver, made  
14 solely for the purpose of settlement of the pending Accusation  
15 without a hearing, it is stipulated and agreed that the following  
16 Determination of Issues shall be made:

17 1. The conduct or omissions of Respondent ALEXANDER  
18 REALTY, INC., as set forth in paragraphs one (1) through five (5)  
19 of the Accusation constitute cause to suspend or revoke its  
20 corporate real estate broker license and/or license rights under  
21 the provisions of Code Section 10177(f).

22 2. The conduct or omissions of Respondent TOBY KASSAN,  
23 as found by the Administrative Law Judge in the Proposed Decision  
24 dated May 20, 1997, and as set forth in paragraphs 6 and 8(c) of  
25 the Amended Accusation constitute cause to suspend or revoke her  
26 real estate broker license and/or license rights under the  
27 provisions of Code Section 10177(d) for violation of Code Section

1 10159.2.

2 ORDER

3 WHEREFORE, THE FOLLOWING ORDER is hereby made:

4 I

5 All licenses and license rights of Respondent ALEXANDER  
6 REALTY, INC. under Part 1 of Division 4 of the Business and  
7 Professions Code are revoked.

8 II

9 All licenses and license rights of Respondent TOBY KASSAN  
10 under Part 1 of Division 4 of the Business and Professions Code are  
11 revoked; provided, however, a restricted real estate broker license  
12 shall be issued to Respondent TOBY KASSAN pursuant to Section  
13 10156.5 of the Code if Respondent KASSAN makes application therefor  
14 and pays to the Department of Real Estate the appropriate fee for  
15 said licenses within ninety (90) days from the effective date of  
16 the Decision. The restricted license issued to Respondent KASSAN  
17 shall be subject to all of the provisions of Section 10156.7 of the  
18 Business and Professions Code and to the following limitations,  
19 conditions and restrictions imposed under authority of Section  
20 10156.6 of said Code:

21 (1) The restricted license may be suspended prior  
22 to hearing by order of the Real Estate Commissioner in the event of  
23 Respondent KASSAN's conviction or plea of nolo contendere to a  
24 crime which bears a significant relation to Respondent's fitness or  
25 capacity as a real estate licensee.

26 (2) The restricted license may be suspended prior  
27 to hearing by Order of the Real Estate Commissioner on evidence

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

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

12 (4) Respondent KASSAN shall not be eligible to  
13 apply for the issuance of an unrestricted real estate license nor  
14 the removal of any of the conditions, limitations or restrictions  
15 of a restricted license until two years have elapsed from the date  
16 of issuance of the restricted license to Respondent.

17 (5) Respondent KASSAN shall, within twelve (12)  
18 months from the effective date of this Decision, present evidence  
19 satisfactory to the Real Estate Commissioner that Respondent has,  
20 since the most recent issuance of an original or renewal real  
21 estate license, taken and successfully completed the continuing  
22 education requirements of Article 2.5 of Chapter 3 of the Real  
23 Estate Law for renewal of a real estate license. If Respondent  
24 KASSAN fails to satisfy this condition, the Commissioner may order  
25 the suspension of the restricted license until the Respondent  
26 presents such evidence. The Commissioner shall afford Respondent  
27 the opportunity for a hearing pursuant to the Administrative


1 Procedure Act to present such evidence.

2 (6) Respondent KASSAN shall, within six months from  
3 the effective date of this Decision, take and pass the Professional  
4 Responsibility Examination administered by the Department including  
5 payment of the appropriate examination fee. If Respondent fails to  
6 satisfy this condition, the Commissioner may order suspension of  
7 Respondent KASSAN's license until he passes the examination.

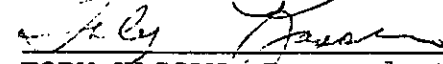
8 \* \* \* \* \*

9 I, individually and on behalf of ALEXANDER REALTY, INC.,  
10 have read the Stipulation And Waiver, and its terms are understood  
11 by us and are agreeable and acceptable to us. We understand that  
12 we are waiving rights given to us by the California Administrative  
13 Procedure Act (including but not limited to Sections 11506, 11508,  
14 11509 and 11513 of the Government Code), and we willingly,  
15 intelligently and voluntarily waive those rights, including the  
16 right of requiring the Commissioner to prove the allegations in the  
17 Accusation at a hearing at which we would have the right to cross-  
18 examine witnesses against us and to present evidence in defense and  
19 mitigation of the charges.

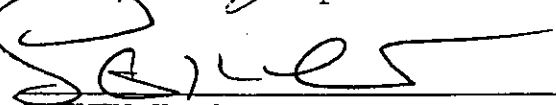
20 DATED: 12/25/97

  
\_\_\_\_\_  
ALEXANDER REALTY, INC.,  
Respondent, by Toby Kassan,  
Designated Officer.

22 DATED: 12/25/97

  
\_\_\_\_\_  
TOBY KASSAN, Respondent.

24 DATED: 12/29/97

  
\_\_\_\_\_  
STEVEN K. CAMHI, ESQ.  
Camhi & Camhi,  
Counsel for Respondent Toby Kassan,  
approved as to form.

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DATED: 1-8-98

Sean Crahan  
SEAN CRAHAN, Counsel for  
Complainant.

\* \* \* \* \*

I have read the Accusation filed herein, the Amended  
Accusation attached hereto as Exhibit A to be filed and the  
Proposed Decision of the Administrative Law Judge dated May 20,  
1997, and the foregoing Stipulation and Waiver signed by  
respondents and counsel. I am satisfied that it will not be  
inimical to the public interest to issue a restricted real estate  
broker license to respondent.

Therefore, IT IS HEREBY ORDERED that the real estate  
broker license of Respondents be revoked and that a restricted real  
estate broker license be issued to respondent TOBY KASSAN if  
respondent has otherwise fulfilled all of the statutory  
requirements for licensure. The restricted license shall be  
limited, conditioned and restricted as specified in the foregoing  
Stipulation and Waiver.

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

IT IS SO ORDERED 2/5 1998.

JIM ANTT, JR.  
Real Estate Commissioner  
J. Antt Jr.



1 Sean Crahan  
2 Department of Real Estate  
3 107 South Broadway, Room 8107  
4 Los Angeles, CA 90012

5 (213) 897-3937

**FILED**  
FEB 13 1998  
DEPARTMENT OF REAL ESTATE

By Laura B. Irvine

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \* \*

11 In the Matter of the Accusation of )  
12 ALEXANDER REALTY INC., )  
13 a California corporate broker and )  
14 TOBY KASSAN, as the designated )  
15 officer of Alexander Realty Inc., )  
Respondents. )

H-26827 LA

A M E N D E D  
A C C U S A T I O N

16 The Complainant, Thomas Mc Crady, a Deputy Real Estate  
17 Commissioner of the State of California. for cause of accusation  
18 against ALEXANDER REALTY INC., a California corporate broker and  
19 TOBY KASSAN, individually and as the designated officer of  
20 Alexander Realty Inc., alleges as follows:

21 1,

22 The Complainant, Thomas Mc Crady, a Deputy Real Estate  
23 Commissioner of the State of California, makes this Accusation in  
24 his official capacity.

25 2.

26 At all times mentioned herein, ALEXANDER REALTY INC., a  
27 California corporation (hereafter Respondent ARI), is presently

1 licensed and/or has license rights under the Real Estate Law (Part  
2 1 of Division 4 of the California Business and Professions Code,  
3 hereinafter referred to as the "Code"). At all times herein  
4 mentioned, Respondent ARI was and still is licensed by the  
5 Department of Real Estate (hereafter the Department) as a  
6 corporate real estate broker.

7 3.

8 TOBY KASSAN (hereafter Respondent KASSAN) is presently  
9 licensed and/or has license rights under the Real Estate Law (Part  
10 1 of Division 4 of the California Business and Professions Code,  
11 hereinafter referred to as the "Code"). At all times mentioned  
12 herein, Respondent KASSAN was and still is licensed by the  
13 Department as a real estate broker both individually and as the  
14 designated officer of Respondent ARI.

15 4.

16 On or about November 3, 1994, Respondent KASSAN  
17 submitted an application in writing to renew the corporate real  
18 estate license of Respondent ARI. Respondents KASSAN and ARI  
19 represented that Respondent ARI was a corporation in good  
20 standing.

21 5.

22 On or about March 1, 1990, pursuant to the provisions of  
23 Section 23302 of the Revenue and Taxation Code of the State of  
24 California, the corporate powers, rights and privileges of ARI were  
25 suspended and remained suspended through July 7, 1995 and thereafter  
26 to the present.

27 /

1 6.

2 The misstatement of fact was the result of respondent  
3 KASSAN'S failure, as the designated officer, to keep fully apprised  
4 of Respondent ARI's status. Respondent KASSAN'S conduct was the  
5 result of inadvertence and not intent.

6 7

7 Said suspension is a violation of section 2742 of the  
8 Regulations and would have been grounds for the denial of a real  
9 estate license under Code Section 10177(f).

10 8.

11 The submission of an application containing a material  
12 misstatement of fact is grounds to suspend or revoke the real estate  
13 licenses and license rights of respondents under the following Code  
14 Sections:

15 (a) 10177(a) for attempting to procure a real estate  
16 license for himself or another by misrepresentation or deceit or  
17 the material misstatement of fact on an application.

18 (b) 10177(f) conduct which would warrant the denial of  
19 a real estate license.

20 (c) 10177(d) for violation of Code Section 10159.2 in  
21 that respondent KASSAN failed to supervise the activities of  
22 Respondent ARI as necessary to secure full compliance with the  
23 Real Estate Law.

24 WHEREFORE, Complainant prays that a hearing be conducted  
25 on the allegations of this Accusation and that upon proof thereof,  
26 a decision be rendered imposing disciplinary action against all  
27 licenses and/or license rights of ALEXANDER REALTY INC., a

1 California corporate broker and TOBY KASSAN, individually and as  
2 the designated officer of Alexander Realty Inc., under the Real  
3 Estate Law and for such other and further relief as may be proper  
4 under applicable provisions of law.

5 Dated at Los Angeles, California this 13th day of  
6 February, 1998.

7 THOMAS McCRADY

8 Thomas Mc Crady  
9 Deputy Real Estate Commissioner  
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25 cc: Alexander Realty Inc.  
26 Toby Kassan, DR, Sacto.

27 SCsc



*Handwritten initials/signature in the top left corner.*

**FILED**  
JUN - 6 1997  
DEPARTMENT OF REAL ESTATE

By Jana B. Jones

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )  
ALEXANDER REALTY, INC., a, )  
California corporate broker, )  
and TOBY KASSAN, as the )  
designated officer of )  
Alexander Realty, Inc., )  
Respondents. )

NO. H-26827 LA  
L-9612062

NOTICE

TO: ALEXANDER REALTY, INC., Respondent  
TOBY KASSAN, Respondent, and JONATHAN VICK and STEVEN K.  
CAMHI, her Counsel

YOU ARE HEREBY NOTIFIED that the Proposed Decision  
herein dated May 20, 1997, of the Administrative Law Judge is not  
adopted as the Decision of the Real Estate Commissioner. A copy  
of the Proposed Decision dated May 20, 1997, is attached for your  
information.

In accordance with Section 11517(c) of the Government  
Code of the State of California, the disposition of this case  
will be determined by me after consideration of the record herein

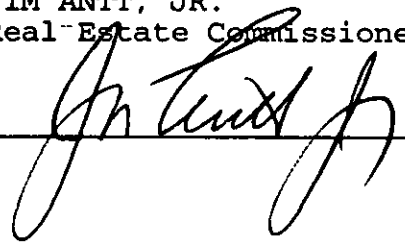
1 including the transcript of the proceedings held on May 12, 1997,  
2 and any written argument hereafter submitted on behalf of  
3 respondents and complainant.

4           Written argument of respondents to be considered by me  
5 must be submitted within 15 days after receipt of the transcript  
6 of the proceedings of May 12, 1997, at the Los Angeles office of  
7 the Department of Real Estate unless an extension of the time is  
8 granted for good cause shown.

9           Written argument of complainant to be considered by me  
10 must be submitted within 15 days after receipt of the argument of  
11 respondents at the Los Angeles office of the Department of Real  
12 Estate unless an extension of the time is granted for good cause  
13 shown.

14           DATED:         6/3/97        

JIM ANTT, JR.  
Real Estate Commissioner

  
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BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation ) Case No. H-26827 LA  
of: )  
) OAH No. L-9612062  
ALEXANDER REALTY INC., )  
a California corporate broker and )  
TOBY KASSAN, as the designated )  
officer of Alexander Realty Inc., )  
)  
Respondents. )  
\_\_\_\_\_ )

PROPOSED DECISION

This matter came on for hearing before Richard J. Lopez, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on May 12, 1997.

Sean Crahan, Staff Counsel, represented the complainant.

Respondent Toby Kassan appeared in person and was represented by Jonathan Vick and Steven K. Camhi, Attorneys at Law.

Alexander Realty Inc. failed to appear despite all due and proper notice and process.

Oral and documentary evidence and evidence by way of stipulation and official notice was received and the matter then argued and thereafter submitted.

The Administrative Law Judge now finds, determines, and orders as follows:

PARTIES AND JURISDICTION

1

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, filed the Accusation in his official capacity.

1

At all times mentioned herein, Alexander Realty Inc., a California corporation (hereafter respondent ARI), 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 referred to as the "Code"). At all times herein mentioned, respondent ARI was and still is licensed by the Department of Real Estate (hereafter the Department) as a corporate real estate broker.

Toby Kassan (hereafter respondent Kassan) 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, (BPC). At all times mentioned herein, respondent Kassan was and still is licensed by the Department as a real estate broker both individually and as the designated officer of respondent ARI.

All prehearing requirements have been met. Jurisdiction for this proceeding does exist.

FINDINGS OF FACT

RE:

ACCUSATION

On November 3, 1994, respondent Kassan submitted an application in writing to renew the corporate real estate license of respondent ARI. Respondents Kassan and ARI represented that respondent ARI was a corporation in good standing.

On March 1, 1990, pursuant to the provisions of Section 23302 of the Revenue and Taxation Code of the State of California, the corporate powers, rights and privileges of ARI were suspended and remained suspended through July 7, 1995 and thereafter to the present.

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7

The day to day operations of ARI were managed by respondent Kassan's son, Michael Kassan, an attorney. The misstatement of fact was the result of respondents' failure, as the designated broker, to keep fully apprised of ARI's status. Accordingly, respondent's conduct was the result of inadvertence and not intent.

8

Respondent Kassan's conduct set forth in Findings 5, 6 and 7, does constitute negligence.

9

Respondent ARI's conduct set forth in Findings 5, 6 and 7 does constitute conduct which would warrant the denial of a real estate license.

SUPPLEMENTAL FINDINGS

10

Respondent's failure, as a designated broker, to be aware of, and to direct the day to day operations of ARI did not result in actual harm to any person but did place the public at risk and did place those doing business with ARI at risk.

11

Respondent, a long term licensee of the Department having received a salesperson's license in 1976 and thereafter a real estate broker's license in 1980, has suffered no prior discipline. She has been active in real estate in the San Fernando Valley section of the City of Los Angeles, was a State Director of the California Association of Realtors in 1987 and has served, throughout the years, on various committees of that association.

12

All motions and arguments not affirmed or denied herein, or on the record, are found not to be established by the facts or the law and are, accordingly denied.

13

All factual allegations of the parties not hereinbefore found to be established are found to be unproved.

3

DETERMINATION OF ISSUES

I

Cause exists for discipline of respondent ARI in that the suspension set forth in Finding 6 is a violation of BPC Section 10177(f) and would have been grounds for the denial of a real estate license under Section 2742 of the California Code of Regulations by reason of Findings 6, 7 and 9 collectively.

II

Cause exists for discipline of respondent Kassan for violation of BPC section 10177(g) by reason of Findings 6, 7 and 8 collectively.

III

The objective of an administrative proceeding relating to discipline, if any, is to protect the public; to determine whether a license holder has exercised privileges in derogation of the public interest. Such proceedings are not for the primary purpose of punishment: Fahmy v. MBC (1995) 38 Cal. App. 4th 810, 817; Ex Parte Brounell (1778) 2 Cowp. 829, 98 Eng. Rep. 1385. In light of the foregoing, and by reason of Determinations I and II combined with Finding 10, the order which follows will protect the public interest.

ORDER

I

All licenses and license rights under the Real Estate Law of Alexander Realty Inc., a California corporate broker are hereby revoked.

II

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

NOT ADOPTED

1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate 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 Real Estate Commissioner on evidence satisfactory to the Commissioner that respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until two years have elapsed from the effective date of this Decision.

4. Respondent shall, within 12 months from the effective date of the Decision, present evidence satisfactory to the Real Estate Commissioner that she has, since the most recent issuance of an original or renewal real estate license, 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 Commissioner may order the suspension of the restricted license until the respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent shall, within six months from the effective date of the restricted license, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order suspension of the restricted license until respondent passes the examination.

Dated: 29 May 1997



**RICHARD J. LOPEZ**  
Administrative Law Judge  
Office of Administrative Hearings

RJL:rfm

NOT ADOPTED

SACTO

FEB 20 1997  
DEPARTMENT OF REAL ESTATE

195-0607-014  
BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA  
\* \* \*

By *[Signature]*

In the Matter of the Accusation and	) NOTICE OF <u>CONTINUANCE</u>
	) HEARING ON ACCUSATION
Alexander Realty Inc., a California corporate	) Case No. H-26827
broker and TOBY KASSAN, as the D.O. of ARI.	) L- 9612062
	)
Respondents.	)
	)

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 West First Street, Los Angeles, California 90012 on May 12, 1997. at 9:00 a.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.

Dated: February 20, 1997

DEPARTMENT OF REAL ESTATE

By: *[Signature: Sean Crahan]*  
SEAN CRAHAN, DRE Counsel

cc: Alexander Realty Inc.  
Toby Kassan  
Steven K. Camhi, Esq.  
DR, OAH & SACTO

SACTO

195-0607-014

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

JAN 09 1997  
DEPARTMENT OF REAL ESTATE

By: *[Signature]*

In the Matter of the Accusation and )

Alexander Realty Inc., a California corporate )  
broker and TOBY KASSAN, as the D.O. of ARI. )

Respondents. )

) NOTICE OF HEARING ON ACCUSATION  
) Case No. H-26827  
) L- 9612062

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 West First Street, Los Angeles, California 90012 on March 18, 1997. at 9:00 a.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.

Dated: January 9, 1997

DEPARTMENT OF REAL ESTATE

By: *[Signature: Sean Crahan]*  
SEAN CRAHAN, DRE Counsel

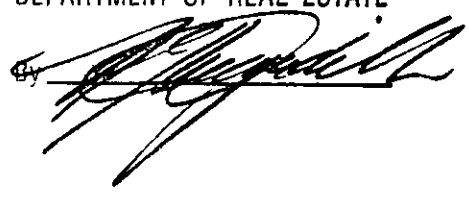
cc: Alexander Realty Inc.  
Toby Kassan  
Steven K. Camhi, Esq.  
DR, OAH & SACTO

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Sean Crahan  
Department of Real Estate  
107 South Broadway, Room 8107  
Los Angeles, CA 90012  
  
(213) 897-3937

FILED  
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DEPARTMENT OF REAL ESTATE



DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of	)	
	)	
ALEXANDER REALTY INC.,	)	H-26827 LA
a California corporate broker and	)	
TOBY KASSAN, as the designated	)	
officer of Alexander Realty Inc.,	)	<u>ACCUSATION</u>
	)	
Respondents.	)	

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California. for cause of accusation against ALEXANDER REALTY INC., a California corporate broker and TOBY KASSAN, individually and as the designated officer of Alexander Realty Inc., alleges as follows:

1,

The Complainant, Thomas Mc Crady, a Deputy Real Estate Commissioner of the State of California, makes this Accusation in his official capacity.

2.

At all times mentioned herein, ALEXANDER REALTY INC., a

1 California corporation (hereafter Respondent ARI), is presently  
2 licensed and/or has license rights under the Real Estate Law (Part  
3 1 of Division 4 of the California Business and Professions Code,  
4 hereinafter referred to as the "Code"). At all times herein  
5 mentioned, Respondent ARI was and still is licensed by the  
6 Department of Real Estate (hereafter the Department) as a  
7 corporate real estate broker.

8 3.

9 TOBY KASSAN (hereafter Respondent KASSAN) is presently  
10 licensed and/or has license rights under the Real Estate Law (Part  
11 1 of Division 4 of the California Business and Professions Code,  
12 hereinafter referred to as the "Code"). At all times mentioned  
13 herein, Respondent KASSAN was and still is licensed by the  
14 Department as a real estate broker both individually and as the  
15 designated officer of Respondent ARI.

16 4.

17 On or about November 3, 1994, Respondent KASSAN  
18 submitted an application in writing to renew the corporate real  
19 estate license of Respondent ARI. Respondents KASSAN and ARI  
20 represented that Respondent ARI was a corporation in good  
21 standing.

22 5.

23 On or about March 1, 1990, pursuant to the provisions of  
24 Section 23302 of the Revenue and Taxation Code of the State of  
25 California, the corporate powers, rights and privileges of ARI were  
26 suspended and remained suspended through July 7, 1995 and thereafter  
27 to the present.

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6.

Said suspension is a violation of Section 10177(f) of the Code and would have been grounds for the denial of a real estate license under section 2702 of the Regulations.

7.

The submission of an application containing a material misstatement of fact is grounds to suspend or revoke the real estate licenses and license rights of respondents under the following Code Sections:

(a) 10177(a) for attempting to procure a real estate license for himself or another by misrepresentation or deceit or the material misstatement of fact on an application.

(b) 10177(f) conduct which would warrant the denial of a real estate license.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and/or license rights of ALEXANDER REALTY INC., a California corporate broker and TOBY KASSAN, individually and as the designated officer of Alexander Realty Inc., under the Real Estate Law and for such other and further relief as may be proper under applicable provisions of law.

Dated at Los Angeles, California this 7th day of October, 1996.

THOMAS Mc CRADY  
\_\_\_\_\_  
Thomas Mc Crady  
Deputy Real Estate Commissioner

cc: Alexander Realty Inc.  
Toby Kassan, DR, Sacto.