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FILED
September 8, 1998
DEPARTMENT OF REAL ESTATE
By *[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of,)
REAL ESTATE PLUS, INC., and) Case No. H-27561 LA
MOHAMED REZA BEIHAGHI,)
Respondents.)

DECISION GRANTING MONETARY PENALTIES IN LIEU OF SUSPENSION

On August 10, 1998, a Decision was rendered by the Real Estate Commissioner. Said Decision is to become effective on September 9, 1998. On August 24, 1998, Respondents REAL ESTATE PLUS, INC., and MOHAMED REZA BEIHAGHI, filed a Petition for monetary penalty in lieu of actual suspension for the limited purpose of determining whether the suspensions imposed against Respondents as part of said Decision should be reduced. I have considered the petition for Respondents REAL ESTATE PLUS, INC., and MOHAMED REZA BEIHAGHI and it is hereby ordered that the disciplinary action there in imposed against Respondents be modified as follows:

///

1 1. Respondent REAL ESTATE PLUS, INC., is allowed to pay
2 a monetary penalty pursuant to Section 10175.2 of the Business and
3 Professions Code to the Department in lieu of an actual license
4 suspension in the amount of \$250 per day in order to stay all or
5 part of the suspension. The total would be \$1,250 for all five
6 days of the actual suspension.

7 2. Respondent MOHAMED REZA BEIHAGHI is allowed to pay a
8 monetary penalty pursuant to Section 10175.2 of the Business and
9 Professions Code to the Department in lieu of an actual license
10 suspension in the amount of \$250 per day in order to stay all or
11 part of the suspension. The total would be \$1,250 for all five
12 days of the actual suspension.

13 3. Payment by each Respondent shall be in the form of a
14 cashier's check or certified check made payable to the Recovery
15 Account of the Real Estate Fund. Said check must be delivered to
16 the Department prior to the effective date of the Decision in
17 this matter.

18 4. If Respondents pay the monetary penalty and if no
19 further cause for disciplinary action against the real estate
20 licenses of Respondents occur within one year from the effective
21 date of the Decision, the stay hereby granted shall become
22 permanent.

23 The Commissioner has determined that this Order is in
24 the public interest and the public welfare will be adequately
25 served by this Order.

26 ///

27 ///

28 ///

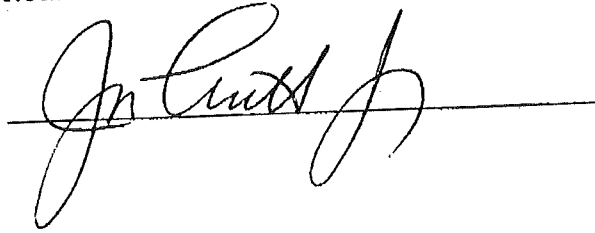
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This Decision shall become effective at 12 o'clock noon

on September 9, 1998.

IT IS SO ORDERED 8/31, 1998.

JIM ANTT, JR.
Real Estate Commissioner

A handwritten signature in cursive script, appearing to read "Jim Antt, Jr.", is written over a horizontal line.

5/2/98

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

FILED
AUG 20 1998
DEPARTMENT OF REAL ESTATE
By [Signature]

In the Matter of the Accusation of

REAL ESTATE PLUS, INC.,
and MOHAMED REZA BEIHAGHI,

Respondent(s).

No. H-27561 LA
L-1998050099

DECISION

The Proposed Decision dated July 28, 1998,
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.

This Decision shall become effective at 12 o'clock
noon on September 9, 1998.

IT IS SO ORDERED

8/10/98
JIM ANTT, JR.
Real Estate Commissioner

[Signature]

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation	)	
of:	)	No. H-27561 LA
	)	
REAL ESTATE PLUS, INC.,	)	L-1998050099
and MOHAMED REZA BEIHAGHI,	)	
	)	
	)	
Respondents.	)	

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings, on July 7, 1998, at Los Angeles, California. Complainant was represented by James R. Peel, Staff Counsel. Respondents, Real Estate Plus, Inc. and Mohamed Reza Beihaghi, individually, were represented by Mohamed Reza Beihaghi. Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge finds as follows:

I

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

II

At all times herein mentioned, Respondent Real Estate Plus, Inc., was licensed by the Department of Real Estate of the State of California as a corporate real estate broker. Respondent Mohamed Reza Beihaghi, was licensed as the designated broker officer of said corporation.

III

During 1997, in connection with the real estate brokerage activities of the respondent corporation, respondents acted in violation of the Real Estate Law and regulations, as follows:

1. They violated Section 10145(a) of the Business and Professions Code and Title 10, California Code of Regulations, Section 2832.1, by maintaining a shortage in the escrow trust account as of July 31, 1997, in the amount of \$372.09.

2. They violated Title 10, California Code of Regulations, Section 2832, in that the trust account was not maintained in the broker's name as trustee.

3. They violated Title 10, California Code of Regulations, Section 2831, in that the columnar record did not show a running daily balance, and a record of all receipts and disbursements.

4. They violated Title 10, California Code of Regulations, Section 2831.1, in that separate records were not maintained for each beneficiary or transaction.

5. They violated Title 10, California Code of Regulations, Section 2831.2, by failing to maintain a monthly record of trust fund account reconciliation. The columnar record was not reconciled to the separate records on a monthly basis.

6. They violated Title 10, California Code of Regulations, Section 2834, by allowing unlicensed and unbonded employees to sign on the trust account.

7. They violated Sections 10176(e) / 10145(a) of the Business and Professions Code, by depositing trust funds into a bank account which was not a trust account.

8. They violated Section 10240 of the Business and Professions Code, by failing to provide borrowers Page and Williams with the required Mortgage Loan Disclosure Statement.

IV

Respondent Mohamed Reza Beihaghi testified in his own behalf and in behalf of the corporation and established the following facts:

1. The accounting and trust difficulties were the result of inattentiveness on the part of certain designated employees.

2. All deficiencies noted were immediately corrected by respondents.

3. No loss was suffered by any customers of the corporation.

4. Mohamed Reza Beihaghi, the designated broker officer, is contrite for the failures found to exist, and there is little likelihood that such deficiencies will reappear.

* * * * *

All allegations not heretofore found as true are hereby determined to be unproved by the evidence.

* * * * *

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

I

Cause for disciplinary action exists against Real Estate Plus, Inc., pursuant to Sections 10177(d) and (g) of the Business and Professions Code.

II

The license of respondent Mohamed Reza Beihaghi, the designated broker officer of Real Estate Plus, Inc., is subject to discipline pursuant to Sections 10177(d) and (h) of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondents are suspended for two years from the effective date of this Decision; provided, however, that the suspension shall be stayed upon the following terms and conditions:

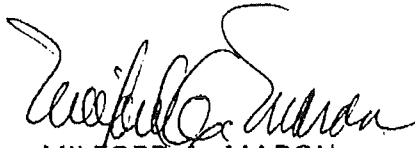
1. Respondents' licenses and license rights shall be actually suspended for a period of five (5) days. Respondents may, pursuant to Section 10175.2, petition the Commissioner to pay a monetary penalty and thereby further stay imposition of the term of the actual suspension.

2. Respondents shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California.

3. The Commissioner may, if a final subsequent determination is made, after hearing or upon stipulation, that cause for disciplinary action occurred during the term of the suspension provided for in condition "1", vacate and set aside the stay order including any further stay imposed pursuant to Section 10175.2. Should no order vacating the stay be made pursuant to this condition or condition "4" below, the stay imposed hereby shall become permanent.

4. Pursuant to Section 10148 of the Business and Professions Code, Respondents shall pay the Commissioner's reasonable cost for an audit to determine if Respondents have corrected the trust fund violations found to exist. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel costs, including mileage, time to and from the auditor's place of work and per diem. Respondents shall pay such cost within 45 days of receiving an invoice from the Commissioner detailing the activities performed during the audit and the amount of time spent performing those activities. The Commissioner may, in his discretion, vacate and set aside the stay order, if payment is not timely made as provided for herein, or as provided for in a subsequent agreement between the Respondents and the Commissioner. The vacation and the set aside of the stay shall remain in effect until payment is made in full, or until Respondents enter into an agreement satisfactory to the Commissioner to provide for payment. Should no order vacating the stay be issued, either in accordance with this condition or condition "3", the stay imposed herein shall become permanent.

DATED: July 28, 1998


MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

MAM:btm

Sacto

197-0502-024
BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

FILED
MAY 20 1998
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

REAL ESTATE PLUS, INC.
and MOHAMED REZA BEIHAGHI,

Respondent.

)
) NOTICE OF HEARING ON ACCUSATION
)
) Case No. H-27561 LA
) L- 1998-050-099
)
)

By [Signature]

To the above-named Respondents:

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 107 South Broadway, 2nd. Floor, Los Angeles, California 90012 on JULY 7, 1998 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: May 20, 1998

DEPARTMENT OF REAL ESTATE

By: James R. Peel
JAMES R. PEEL
DRE, Counsel

cc: Real Estate Plus,
Mohamed Reza Beighaghi.
LF, OAH & SACTO

1 JAMES R. PEEL, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, California 90012
5 State Bar 47055

6 (213) 897-3937
7

FILED
MAR 1 1998
DEPARTMENT OF REAL ESTATE

By [Signature]

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of) NO. H-27561 LA
12)
13 REAL ESTATE PLUS, INC.,) A C C U S A T I O N
14 and MOHAMED REZA BEIHAGHI)
15 Respondents.)

16 The Complainant, Thomas Mc Crady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against REAL ESTATE PLUS, INC., and MOHAMED REZA BEIHAGHI,
19 alleges as follows:

20 I

21 The Complainant, Thomas McCrady, acting in his official
22 capacity as a Deputy Real Estate Commissioner of the State of
23 California, makes this Accusation against REAL ESTATE PLUS, INC.,
24 and MOHAMED REZA BEIHAGHI.

25 II.

26 REAL ESTATE PLUS, INC., and MOHAMED REZA BEIHAGHI
27 (hereinafter referred to as respondents) are presently licensed
and/or have license rights under the Real Estate Law, Part 1 of

1 Division 4 of the Business and Professions Code (hereinafter
2 referred to as "the Code").

3 III.

4 At all times herein mentioned, respondent REAL ESTATE
5 PLUS, INC., was licensed by the Department of Real Estate of the
6 State of California as a corporate real estate broker, respondent
7 MOHAMED REZA BEIHAGHI, was licensed as the designated broker
8 officer of said corporation, and ordered, authorized, or
9 participated in the illegal conduct of respondent REAL ESTATE
10 PLUS, INC., as alleged in this Accusation.

11 IV.

12 At all times herein mentioned, respondent REAL ESTATE
13 PLUS, INC., on behalf of others in expectation of compensation,
14 engaged in the business, acted in the capacity of, advertised or
15 assumed to act as a real estate broker in the State of
16 California within the meaning of Section 10131(d) of the Code,
17 including soliciting borrowers and lenders and negotiating loans
18 on real property.

19 V.

20 During 1997, in connection with the aforesaid real
21 estate brokerage activities, respondent REAL ESTATE PLUS, INC.,
22 accepted or received funds from borrowers and lenders and
23 thereafter made disbursements of such funds.

24 VI.

25 In connection with respondents' activities as a real
26 estate broker, as described above, respondents, REAL ESTATE
27 PLUS, INC., and MOHAMED REZA BEIHAGHI acted in violation of the



1 Real Estate Law, Business and Professions Code (hereinafter
2 Code), and California Code of Regulations (hereinafter
3 Regulations), Title 10, Chapter 6, as follows:

4 1. Violated Section 10145(a) of the Code and
5 Regulation 2832.1 by maintaining a shortage in the escrow trust
6 account as of July 31, 1997, in the amount of \$372.09.

7 2. Violated Regulation 2832 in that the trust account
8 was not maintained in the broker's name as trustee.

9 3. Violated Regulation 2831 in that the columnar
10 record did not show a running daily balance, and a record of all
11 receipts and disbursements.

12 4. Violated Regulation 2831.1 in that separate
13 records were not maintained for each beneficiary or transaction.

14 5. Violated Regulation 2831.2 by failing to maintain
15 a monthly record of trust fund account reconciliation. The
16 columnar record was not reconciled to the separate records on a
17 monthly basis.

18 6. Violated Regulation 2834 by allowing unlicensed
19 and unbonded employees to sign on the trust account.

20 7. Violated Section 10176(e) / 10145(a) of the Code
21 by depositing trust funds into a bank account which was not a
22 trust account.

23 8. Violated Section 10240 of the Code by failing to
24 provide borrowers Page and Williams with the required Mortgage
25 Loan Disclosure Statement.

26 9. General account No. 8359 at Citibank is
27 overdrawn by \$50,283.28 as of July 31, 1997. An accountability

1 could not be determined at the time of the audit but the
2 Department retains the right to amend this accusation at any
3 appropriate time if trust funds are missing.

4
5 VII

6 The conduct of respondent REAL ESTATE PLUS, INC., as
7 alleged above, subjects its real estate license and license rights
8 to suspension or revocation pursuant to Sections 10177(d) and
9 10177(g) of the Code.

10 VIII

11 The conduct of respondent MOHAMED REZA BEIHAGHI as
12 alleged above, as the responsible broker, by allowing and
13 permitting respondent REAL ESTATE PLUS, INC., to engage in the
14 conduct specified in paragraph VI above, subjects his real estate
15 licenses and license rights to suspension or revocation pursuant
16 to Sections 10177(d) and 10177(h) of the Code.

17 WHEREFORE, Complainant prays that a hearing be conducted
18 on the allegations of this Accusation and, that upon proof
19 thereof, a decision be rendered imposing disciplinary action
20 against all licenses and license rights of respondents REAL
21 ESTATE PLUS, INC., and MOHAMED REZA BEIHAGHI under the Real Estate
22 Law (Part 1 of Division 4 of the Business and Professions Code)
23 and for such other and further relief as may be proper under other
24 applicable provisions of law.

25 Dated at Los Angeles, California this 11th, day of March, 1998.

26 THOMAS MC CRADY

27 Thomas Mc Crady
Deputy Real Estate Commissioner