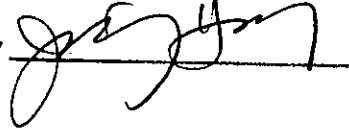


FILED
MAR 22 2002

DEPARTMENT OF REAL ESTATE

By 

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-27602 LA
)
FRED RABBAN,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On October 19, 1998, a Decision was rendered herein
revoking the real estate broker license of Respondent.

On or about April 3, 2000, Respondent petitioned for
reinstatement of said real estate broker license. An Order
Denying Reinstatement of License was filed on September 21,
2000.

On October 31, 2001, Respondent again petitioned
for reinstatement of said real estate broker 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 the
2 evidence and arguments in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate broker license and that it would
6 not be against the public interest to issue said license to
7 Respondent FRED RABBAN.
8

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

14 1. Submittal of a completed application and payment
15 of the fee for a real estate broker license.

16 2. Submittal of evidence of having, since the most
17 recent issuance of an original or renewal real estate license,
18 taken and successfully completed the continuing education
19 requirements of Article 2.5 of Chapter 3 of the Real Estate Law
20 for renewal of a real estate license.

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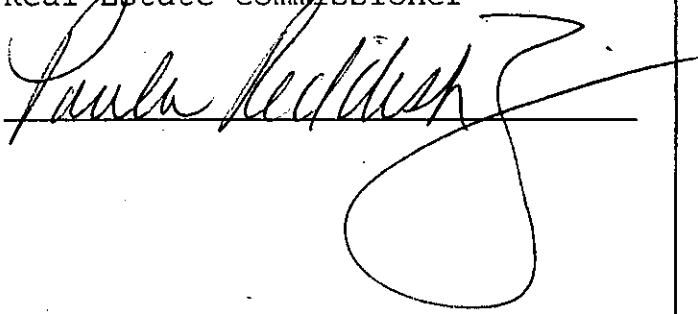
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3. Submittal of evidence satisfactory to the Real Estate Commissioner that Respondent has, since Respondent's license was revoked, taken and passed the written examination required to obtain a real estate broker license.

This Order shall become effective immediately.

DATED: March 19, 2002.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



cc: Fred Rabban
19212 Linnet Street
Tarzana, CA 91356

FACTO

FILED
SEP 21 2000

DEPARTMENT OF REAL ESTATE

By *[Signature]*

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-27602 LA
FRED RABBAN)	
Respondent.)	

ORDER DENYING REINSTATEMENT OF LICENSE

On October 19, 1998, a Decision was rendered revoking the real estate broker license of FRED RABBAN (Respondent), effective December 15, 1998.

On April 3, 2000, Respondent petitioned for reinstatement of said real estate broker 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 reinstatement of his real estate broker license at this

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

5 I

6 In the Decision which revoked the real estate
7 license of Respondent there were the following Legal
8 Conclusions:

9 "10. The conviction described in paragraph 3,
10 above, constitutes cause under Sections 490 and 10177(b) of
11 the Business and Professions Code to suspend or revoke
respondent's licenses and license rights.

12 11. In determining the appropriate order to be
13 made herein, due consideration was given to all relevant
14 factors, including the evidence of respondent's good
15 character and charitable work, the lack of evidence of other
16 wrongdoing by him, and the evidence of his above-average
17 adjustment to probation supervision. However, he was
18 convicted of aiding and abetting a crime that involved
19 activities for which a real estate license is required, and
20 his denial of any culpability-in face of the admission in
21 his written plea agreement and the findings set forth in
22 paragraph 7, 8, and 9, above-indicate an unwillingness to
23 acknowledge and accept responsibility for what he had done,
24 or an inability to distinguish right from wrong in
25 connection with a real estate loan transaction. In either
26 case, it would be against the public interest to continue
27 his licensure."

II

21 The conviction discussed in the above Legal
22 Conclusion was Respondent's July 28, 1997, conviction, by a
23 plea of guilty, of violating 18 U.S.C. 1014.2(a) (Aiding and
24 Abetting Making False Statements to the Federal Deposit
25 Insurance Corporation) and involved the loan application of
26 Christina Williamson which included, among other things,
27 false employment information.



1
2 III

3 As noted in Paragraph I, above, the Administrative
4 Law Judge hearing the Accusation which led to the revocation
5 of Respondent's license was clearly disturbed by
6 Respondent's claims of innocence in the loan transaction
7 which led to his conviction and felt it would be against the
8 public interest for Respondent to maintain his real estate
9 broker license.

10 On August 3, 2000, Respondent was interviewed by a
11 Deputy Real Estate Commissioner. At this interview the
12 Respondent repeatedly denied that he had done anything wrong
13 in the loan transaction which led to his conviction despite
14 evidence in the criminal matter that Respondent was clearly
15 informed that there were false statements on the Williamson
16 loan application (the applicant was actually an FBI agent).
17 As the Administrative Law Judge states in Finding 9 in the
18 Decision which revoked Respondent's license, Respondent
19 continued to process the Williamson loan even after he had
20 been informed of the false employment information by having
21 "Williamson make a larger down payment to avoid having to
22 have her employment verified."

23 IV

24 Due to the very serious nature of the conduct
25 which led to the revocation of his real estate broker
26 license and the fact that Respondent still fails to
27 acknowledge and accept responsibility for his past conduct

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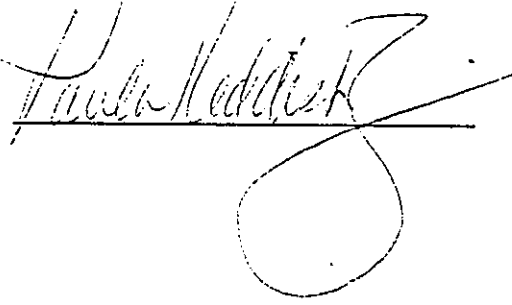
not enough time has passed to establish that Respondent is rehabilitated. This is cause to deny his petition for reinstatement of license pursuant to Sections 2911(a) and (m) of Chapter 6, Title 10, California Code of Administration.

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

This Order shall become effective at 12 o'clock noon on October 11, 2000.

DATED; September 12, 2000

PAULA REDDISH ZINNEMANN
Real Estate Commissioner



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FILED
OCT 28 1998
DEPARTMENT OF REAL ESTATE

By C. B.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-27602 LA
FRED RABBAN,)	L-1998040112
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On October 19, 1998, a Decision was rendered in the above-entitled matter to become effective November 17, 1998.

IT IS HEREBY ORDERED that the effective date of the Decision of October 19, 1998, is stayed for a period of 30 days.

The Decision of October 19, 1998, shall become effective at 12 o'clock noon on December 17, 1998.

DATED: October 28, 1998.

JIM ANTT, JR.
Real Estate Commissioner

By: Randolph Brendia By John McCarty
RANDOLPH BRENDIA
Regional Manager

FILED
OCT 26 1998
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

By *[Signature]*

In the Matter of the Accusation of)
)
)
 FRED RABBAN,)
)
)
 Respondent.)
 _____)

No. H-27602 LA
L-1998040112

DECISION

The Proposed Decision dated September 30, 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.

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 November 17, 1998.

IT IS SO ORDERED 10/19/98

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-27602 LA
)	
FRED RABBAN,)	OAH NO. L1998040112
)	
Respondent.)	
_____)	

PROPOSED DECISION

This matter was heard on September 18, 1998, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings of the State of California. The Department of Real Estate was represented by Chris Leong, Counsel. The respondent was present and represented by Frank M. Buda, Attorney at Law.

FACTUAL FINDINGS

1. The Accusation herein was made by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Fred Rabban ("respondent") is, and at all times mentioned herein was, licensed by the Department of Real Estate as a real estate broker.
3. On or about July 28, 1997, in the United States District Court, Central District of California, respondent was convicted, by plea of guilty, of violating 18 U.S.C. 1014, 2(a) (Aiding and Abetting Making False Statements to the Federal Deposit Insurance Corporation), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate licensee. He was sentenced to pay a \$5,000 fine and placed on three years supervised release on terms and conditions which included 30 days home detention.
4. According to respondent's written plea agreement, the facts and circumstances resulting in his conviction were as follows:

On or about January 11, 1996, co-defendant Sam Sepasi completed and submitted to the FDIC a loan application for a \$280,000.00 loan in the name of Christina Williamson for the purchase of certain real

property. The loan application stated that the borrower, Christina Williamson, was employed as a computer consultant, had been so employed for six years, and earned \$7,500 a month. Co-defendant Sepasi knew that each of these representations was false and made these representations with the intent to influence the actions of the FDIC on the loan application. [Respondent] aided and abetted co-defendant Sepasi in the commission of this offense by, among other things, suggesting the false employment information that he included in the loan application.

5. There was no evidence of any other wrongdoing by respondent. He testified on his own behalf and presented evidence from others, including his rabbi and his probation officer, attesting to his good character, charitable work, and "above-average adjustment to Federal probation supervision."

6. Respondent denied any culpability on his part in connection with the Williamson loan application. He testified that a man named Vince Schuman, whom he had never heard of before, called him about getting a loan for Williamson, whom he had also never heard of before, in connection with a house that Williamson was purchasing. He testified that he was not doing real estate loans at the time, but was primarily engaged in selling insurance; therefore, he referred Schuman to Sam Sepasi, an acquaintance who did loans. Respondent then accompanied Sepasi to a meeting with Schuman and Williamson. Respondent testified that he expected no remuneration in connection with the Williamson loan but was just trying to help "the community" and only accompanied Sepasi to the meeting with Schuman and Williamson to try to sell Williamson insurance. He denied having suggested the false employment information for Williamson. Williamson turned out to be an F.B.I. agent, and Schuman was an informant working with her.

7. A transcript of the initial telephone call from Schuman to respondent indicates that respondent asked Schuman what Williamson did, to which Schuman replied, "She does computer work," which seems to support respondent's contention that he did not suggest the false computer employment. However, the transcript does not support his assertion that he referred Schuman to Sepasi because he (respondent) was not doing real estate loans at the time. The transcript indicates that the announcement on respondent's answering machine was, "You have reached Rodeo Mortgage (of which respondent was the licensed officer). We can handle all of your real estate loan needs." And when Schuman asked respondent, "You guys do loans?" respondent replied, "Uh-huh." He asked Schuman more questions than seem necessary for the purpose of merely referring Schuman to Sepasi, and never told Schuman during that conversation that he did not do loans.

8. A transcript of a telephone call from respondent to Schuman after the meeting to which respondent accompanied Sepasi indicates that respondent called Schuman not about insurance, but to urge him to have Williamson make a larger down payment in order to avoid having to have her employment verified. During that conversation, Schuman told respondent "We have false statements on our loan app" and "doesn't matter what we make on this house or if we don't make anything ... we're just looking to bury this money ... It's in cash ... through my uncle, he ... has never filed taxes and now it's going to ... come back through Christina." Those comments by Schuman clearly indicated to respondent that the information on Williamson's loan application was false (whether respondent suggested it or not), and that she and Schuman were trying to launder money by using it for down payments on houses that they would then resell even at a loss. Instead of saying that he would have nothing more to do with Schuman and Williamson, respondent reacted to the information about false information and money laundering by continuing to press Schuman to have Williamson make a larger down payment.

9. If respondent had been as uninvolved as he claims, he would have had no reason to call Schuman after accompanying Sepasi to the meeting with Schuman and Williamson. And if respondent had been as innocent as he claims, he would have terminated the call to Schuman immediately upon hearing about a false loan application and money laundering. Instead, he continued to press Schuman to have Williamson make a larger down payment to avoid having to have her employment verified.

LEGAL CONCLUSIONS

10. The conviction described in paragraph 3, above, constitutes cause under Sections 490 and 10177(b) of the Business and Professions Code to suspend or revoke respondent's licenses and license rights.

11. In determining the appropriate order to be made herein, due consideration was given to all relevant factors, including the evidence of respondent's good character and charitable work, the lack of evidence of other wrongdoing by him, and the evidence of his above-average adjustment to probation supervision. However, he was convicted of aiding and abetting a crime that involved activities for which a real estate license is required, and his denial of any culpability – in the face of the admission in his written plea agreement and the findings set forth in paragraphs 7, 8 and 9, above - indicate an unwillingness to acknowledge and accept responsibility for what he has done, or an inability to distinguish right from wrong in connection with a real estate loan transaction. In either case, it would be against the public interest to continue his licensure.

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ORDER

All licenses and license rights of respondent Fred Rabban under the Real Estate Law are hereby revoked.

DATED: September 30, 1998

A handwritten signature in cursive script, appearing to read "J. Mitchell".

JERRY MITCHELL
Administrative Law Judge

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

In the Matter of the Accusation of)
FRED RABBAN,)
_____)
Respondent(s)

Case No. H-27602 LA

OAH No. L-1998040112

FILE
JUL 23 1998
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON ACCUSATION *CS*

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, 107 South Broadway, Second Floor, Los Angeles, CA 90012 on FRIDAY, SEPTEMBER 18, 1998, at the hour of 10:00 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.

DEPARTMENT OF REAL ESTATE

Dated: July 23, 1998

By

Chris Leong

CHRIS LEONG, Counsel

cc: Fred Rabban
Frank M. Buda, Esq.
✓ Sacto.
OAH

CEB

RE 501 (La Mac 11/92)

SAC

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

In the Matter of the Accusation of)
)
 FRED RABBAN,)
)
 _____)
 Respondent (s)

Case No. H-27602 LA
OAH No. L-1998040112

FILED
APR 29 1998
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By CB

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, Second Floor, Los Angeles, CA 90012 on FRIDAY, JULY 24, 1998, at the hour of 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.

DEPARTMENT OF REAL ESTATE

Dated: April 29, 1998

By CHRIS LEONG
CHRIS LEONG, Counsel

cc: Fred Rabban
Ken K. Behzadi, Esq.
✓ Sacto.
OAH

CEB

RE 501 (La Mac 11/92)

WACD,
1/29/99

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FILED
DEC 24 1998
DEPARTMENT OF REAL ESTATE
[Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	NO. H-27602 LA
)	
FRED RABBAN,)	L-1998040112
)	
Respondent.)	

ORDER DENYING RECONSIDERATION

On October 19, 1998, a Decision was rendered in the above-entitled matter. The Decision was to become effective on November 17, 1998. A thirty-day stay was granted on October 28, 1998, making the effective date of the Decision of October 19, 1998, December 17, 1998. A ten-day stay was granted on December 15, 1998, making the effective date of the Decision of October 19, 1998, December 28, 1998.

On or about December 10, 1998, Respondent petitioned for reconsideration of the Decision of October 19, 1998.

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I have given consideration to the petition of applicant and have concluded that no good cause has been presented for reconsideration of the Decision of October 19, 1998, and reconsideration is hereby denied.

IT IS SO ORDERED December 22, 1998.

JIM ANTT, JR.
Real Estate Commissioner

John R. Liberator

1 Government Code that the expiration of the time to grant or deny
2 the petition for reconsideration be, and hereby is, stayed for a
3 period of ten (10) days. The time to grant or deny the petition
4 for reconsideration shall expire at 12 o'clock noon on
5 December 28, 1998.

6 DATED: December 15, 1998.

7 JIM ANTT, JR.
8 Real Estate Commissioner

9 By: Randolph Brendia 
10 RANDOLPH BRENDIA
11 Regional Manager
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1 CHRIS LEONG, Counsel
2 State Bar Number 141079
3 Department of Real Estate
4 107 South Broadway, Room 8107
5 Los Angeles, California 90012
6 (213) 897-3937

FILED
MAR 26 1998
DEPARTMENT OF REAL ESTATE

By CB

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)
12 FRED RABBAN,) NO. H-27602 LA
13 Respondent.) ACCUSATION
14 _____)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against FRED RABBAN (hereinafter "Respondent"), is informed and
18 alleges as follows:

19 I

20 The Complainant, Thomas McCrady, a Deputy Real Estate
21 Commissioner of the State of California, makes this Accusation
22 in his official capacity.

23 II

24 At all times herein mentioned, Respondent is presently
25 licensed and/or has license rights under the Real Estate Law
26 (Part 1 of Division 4 of the Business and Professions Code)
27 (Code) as a real estate broker.



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III

On or about July 28, 1997, in the United States District Court, Central District of California, Respondent was convicted of violating 18 U.S.C. 2(a) (Aiding and abetting, false statements to the Federal Deposit Insurance Corporation), a crime involving moral turpitude which bears a substantial relationship to the qualifications, functions or duties of a real estate licensee, under Section 2910, Title 10, Chapter 6, California Code of Regulations.

IV

Respondent's criminal conviction, as alleged above in Paragraph III, is cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of all licenses and license rights of Respondent under the Real Estate Law.

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 license rights of Respondent, FRED RABBAN, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code), and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California

this 26th day of March, 1998.

THOMAS McCRADY

Deputy Real Estate Commissioner

cc: Fred Rabban
Sacto.
PM

