

FILED  
OCT 28 2008  
DEPARTMENT OF REAL ESTATE

*[Signature]*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of ) NO. H-28139 LA  
MOHAMED REZA BEIHAGHI, )  
Respondent. )

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 14, 1999 a Decision was rendered herein revoking Respondent's real estate broker license but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on or about March 9, 2000.

On June 19, 2007, 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 and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets

1 the requirements of law for the issuance to Respondent of  
2 an unrestricted real estate broker license and that it would  
3 not be against the public interest to issue said license to  
4 Respondent.

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

10 Submittal of a completed application and payment of  
11 the fee for a real estate broker license.

12 This Order shall be effective immediately.

13 Dated: 10-1-08

14 JEFF DAYI  
15 Real Estate Commissioner

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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 ) No. H-28139 LA  
MOHAMED REZA BEIHAGHI, )  
Respondents. )

ORDER DENYING REINSTATEMENT OF LICENSE

On December 14, 1999, a Decision was rendered  
herein, revoking the corporate real estate broker license of  
REAL ESTATE PLUS, INC. and the real estate broker license of  
MOHAMED REZA BEIHAGHI. Respondents were given the right to  
apply for and receive restricted real estate broker licenses  
which were issued on March 9, 2000.

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1 On or about April 3, 2002, Respondents petitioned for  
2 reinstatement of their real estate licenses and the Attorney  
3 General of the State of California has been given notice of the  
4 filing of the petition.

5 I have considered Respondents' petitions and  
6 the evidence and arguments in support thereof. Respondents  
7 have failed to demonstrate to my satisfaction that Respondents  
8 have undergone sufficient rehabilitation to warrant the  
9 reinstatement of Respondents' real estate broker licenses, in  
10 that:

11 I

12 Respondent has a history of prior discipline by the  
13 Department of Real Estate ("Department") as follows:  
14

15 (a) On August 10, 1998, a Decision was rendered  
16 in Department Case No. H-27561 LA. The Decision suspended  
17 Respondents' real estate broker licenses, for two (2) years.  
18 Said suspension was stayed on terms and conditions including  
19 a chargeable follow-up audit.  
20

21 In the Decision there were Determination of Issues  
22 made that there was cause to revoke Respondent REAL ESTATE  
23 PLUS, INC.'s real estate license pursuant to Business and  
24 Professions Code ("Code") Sections 10177(d) and 10177(g) for  
25 violations of the Real Estate Law; and that there was cause to  
26 revoke MOHAMED REZA BEIHAGHI's real estate license pursuant to  
27 Code Sections 10177(d) and 10177(h) for violation for failure

1 to supervise. A Department investigation of the real estate  
2 brokerage activities of REAL ESTATE PLUS, INC. had found  
3 numerous violations of the Real Estate Law.

4 (b) In the Decision in Case no. H-28139 LA which  
5 revoked Respondents' real estate broker licenses, there were  
6 Legal Conclusions made that there was cause to revoke  
7 Respondent REAL ESTATE PLUS, INC.'s real estate license  
8 pursuant to Code Section 10177(d) for violations of the Real  
9 Estate Law; and that there was cause to revoke MOHAMED REZA  
10 BEIHAGHI's real estate license pursuant to Code Section  
11 10177(h) for failure to supervise. A Department investigation  
12 of the real estate brokerage activities of REAL ESTATE PLUS,  
13 INC. had found numerous violations of the Real Estate Law.  
14

## 15 II

16 The burden of proving rehabilitation rests with the  
17 petitioner (Feinstein v. State Bar (1952) 39 Cal. 2d 541).  
18 A petitioner is required to show greater proof of honesty and  
19 integrity than an applicant for first time licensure. The proof  
20 must be sufficient to overcome the prior adverse judgment on the  
21 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d  
22 395).  
23

24 The Department has developed criteria in Section 2911,  
25 Title 10, Chapter 6, California Code of Regulations to assist in  
26 evaluating the rehabilitation of an applicant for reinstatement  
27 of a license. Among the criteria relevant in this proceeding  
are:

1           2911(k) - Correction of business practices resulting  
2 in injury to others or with the potential to cause such injury.

3           Respondents failed to show that REAL ESTATE PLUS,  
4 INC.'s business practices have been corrected. In September,  
5 2002, the Department performed an audit of REAL ESTATE PLUS,  
6 INC.'s books and records. The audit revealed record keeping  
7 violations pertaining to the trust account, that salesperson  
8 changes were not reported in a timely manner and that an  
9 unlicensed fictitious business name was used.  
10

11           2911 (n) (1) - Change in attitude from that which  
12 existed at the time of the conduct in question as evidenced  
13 by the testimony of Respondent. As part of the petition  
14 application process, Respondent was interviewed by a Deputy  
15 Real Estate Commissioner ("Deputy"). Respondent did not  
16 display a change in attitude. He did not express remorse  
17 or take responsibility for the violations found by the audit  
18 investigations.

19           Given the fact that Respondents have not established  
20 that they have complied with Regulations 2911(k) and 2911(n) (1),  
21 I am not satisfied that Respondents are sufficiently  
22 rehabilitated to receive real estate broker licenses.

23           NOW, THEREFORE, IT IS ORDERED that Respondents'  
24 petition for reinstatement of their real estate broker licenses  
25 is denied.  
26  
27

1 NOW, THEREFORE, IT IS ORDERED that Respondents'  
2 petitions for reinstatement of Respondents' real estate broker  
3 licenses are denied.

4 This Order shall become effective at 12 o'clock noon  
5 on May 20, 2004.

6 DATED: April 26, 2004.

8 JOHN R. LIBERATOR  
9 Acting Real Estate Commissioner

10 John R. Liberator  
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23 cc: Real Estate Plus, Inc.  
24 2502 Artesia Blvd.  
25 Redondo Beach, CA 90278

26 Mohamed Reza Beihaghi  
27 2502 Ridgeland Road  
Torrance, CA 90505

FILED

MAR 09 2000

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. ) NO. H- 28139 LA  
and MOHAMED REZA BEIHAGHI )  
Respondents )

ORDER GRANTING MONETARY PENALTY IN LIEU OF SUSPENSION

On December 14, 1999, a Decision was rendered herein by the Real Estate Commissioner which revoked the real estate broker license and license rights of Respondent REAL ESTATE PLUS, INC. Said Respondent was granted the right to apply for and receive a restricted corporate real estate broker license which, when issued, would be suspended for thirty (30) days. Said Decision was to become effective on January 27, 2000, and was stayed by separate Orders to March 9, 2000.

On February 25, 2000, Respondent REAL ESTATE PLUS, INC., pursuant to Section 10175.2 of the Business and Professions Code, petitioned for a stay of the thirty day suspension on condition that it pay a monetary penalty of \$200.00 for each day of the suspension stayed or a total of \$6000.00.

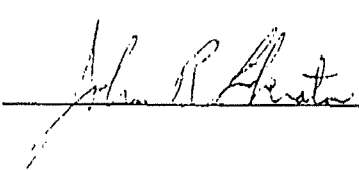
1 I have considered the petition of Respondent and have  
2 concluded that good cause has been presented for reconsideration  
3 of the Decision of December 14, 1999, for the limited purpose of  
4 determining whether the suspension therein imposed should be  
5 stayed.

6 IT IS HEREBY ORDERED that the thirty (30) day suspension  
7 of any restricted corporate real estate broker license issued to  
8 REAL ESTATE PLUS, INC. shall be stayed on condition that  
9 Respondent pay a monetary penalty of \$6,000.00 prior to March 9,  
10 2000, and on the further condition that the licensee incur no  
11 other cause for disciplinary action within the year following the  
12 date of this Order. Said penalty, if paid, shall be credited to  
13 the Recovery Account of the Real Estate Fund.

14 If Respondent pays the monetary penalty and if no  
15 further cause for disciplinary action against the real estate  
16 license of Respondent occurs within one year from the effective  
17 date of this Order, the stay hereby granted shall become  
18 permanent.

19 IT IS SO ORDERED March 8 2000

20 PAULA REDDISH ZINNEMANN  
21 Real Estate Commissioner

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26 BY: John R. Liberato  
27 Chief Deputy Commissioner

*facto*

**FILED**  
FEB 28 2000  
DEPARTMENT OF REAL ESTATE

By K. Friederholt

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of       )       No. H-28139 LA  
                                                  )         
REAL ESTATE PLUS, INC.                    )         
                                                  )         
Respondent.                                 )         
\_\_\_\_\_

ORDER STAYING EFFECTIVE DATE

On December 14, 1999, a Decision was rendered in the above entitled matter to become effective February 28, 2000.

IT IS HEREBY ORDERED that the effective date of the Decision of December 14, 1999, is stayed for ten (10) additional days.

The Decision of December 14, 1999, shall become effective at 12 o'clock noon on March 9, 2000.

DATED: February 25, 2000

Randolph Brendia  
Randolph Brendia  
Regional Manager

FILED  
JAN 24 2000  
DEPARTMENT OF REAL ESTATE

By Paula B. Zinnemann

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Accusation of ) NO. H-28139 LA  
REAL ESTATE PLUS, INC. ) L-1999070167  
And MOHAMED REZA BEIHAGHI, )  
Respondents. )

ORDER STAYING EFFECTIVE DATE

On December 14, 1999, a Decision was rendered in the above-entitled matter to become effective January 27, 2000.

IT IS HEREBY ORDERED that the effective date of the Decision of December 14, 1999, is stayed for a period of 30 days.

The Decision of December 14, 1999, shall become effective at 12 o'clock noon on February 28, 2000.

DATED: 21 January '00

PAULA REDDISH ZINNEBANN  
Real Estate Commissioner

By:

Randolph R. Brendia  
RANDOLPH BRENDIA  
Regional Manager

lbo

By Luia B. Jure

DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) No. H-28139 LA  
REAL ESTATE PLUS, INC., )  
and MOHAMED REZA BEIHAGHI, ) L-1999 070 167  
Respondents. )

DECISION AFTER REJECTION

The above-entitled matter came on for hearing before  
Jerry Mitchell, Administrative Law Judge of the Office of  
Administrative Hearings at Los Angeles, California, on August 20,  
1999.

Complainant was represented by James R. Peel, Counsel.  
Respondent MOHAMED REZA BEIHAGHI was present at the hearing and  
represented himself and respondent corporation. Evidence was  
received and the matter stood submitted on August 20, 1999.

On August 24, 1999, the Administrative Law Judge  
submitted a Proposed Decision which I declined to adopt as the  
Decision of the Real Estate Commissioner. Pursuant to Section  
11517(c) of the Government Code of the State of California,

1 Respondents were served with a copy of the Proposed Decision dated  
2 August 24, 1999, and with Notice that the case would be decided by  
3 me upon the record including the transcript of proceedings held on  
4 August 20, 1999 and upon any written argument offered by the  
5 parties.

6 Argument has been submitted on behalf of the  
7 respondents. I have given careful consideration to the record in  
8 this case including the transcript of proceedings of August 20,  
9 1999.

10 I have determined that the Findings of Fact,  
11 Determination of Issues and Order of the Proposed Decision of the  
12 Administrative Law Judge dated August 24, 1999, are appropriate in  
13 all respects and they are adopted as the Decision of the Real  
14 Estate Commissioner in this proceeding.

15

16 Petition for reinstatement of a revoked real estate  
17 license is controlled by Section 11522 of the Government Code. A  
18 copy of Section 11522 is attached hereto for the information of  
19 respondent.

20 If and when application is made for a real estate  
21 license through a petition for reinstatement, all competent  
22 evidence of rehabilitation presented by the respondent will be  
23 considered by the Real Estate Commissioner. A copy of the  
24 Commissioner's Criteria of Rehabilitation is attached hereto.

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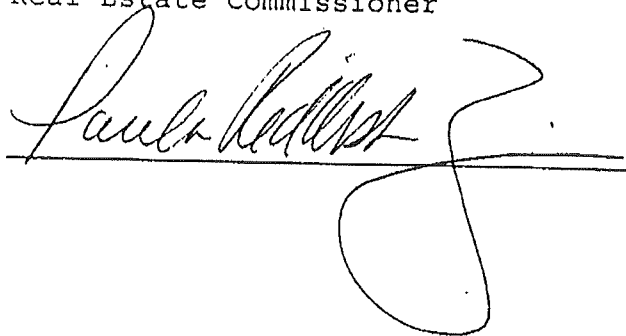
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This Decision shall become effective at 12 o'clock noon  
on January 27, 2000.

IT IS SO ORDERED

December 14, 1999.

PAULA REDDISH ZINNEBANN  
Real Estate Commissioner



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| In the Matter of the Accusation of: | ) | NO. H-28139 LA      |
|                                     | ) |                     |
| REAL ESTATE PLUS, INC., and         | ) | OAH NO. L1999070167 |
| MOHAMED REZA BEIHAGHI,              | ) |                     |
|                                     | ) |                     |
| Respondents.                        | ) |                     |
| <hr/>                               |   |                     |

PROPOSED DECISION

This matter was heard on August 20, 1999, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings. The complainant was represented by James R. Peel, Counsel. The respondents were represented by respondent Mohamed Reza Beihaghi.

*FACTUAL FINDINGS*

1. This Accusation was made and filed by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. As used herein, the word "Section" refers to a section of the California Business and Professions Code, and the word "Regulation" refers to a section of Title 10, California Code of Regulations.
3. Real Estate Plus, Inc. ("REPI") is, and at all times mentioned herein was, licensed by the Department of Real Estate ("the Department") as a corporate real estate broker, with Mohamed Reza Beihaghi ("Beihaghi") as its designated officer.
4. Beihaghi is, and at all times mentioned herein was, licensed by the Department as a real estate broker and as designated officer of REPI.
5. At all times mentioned herein, REPI, on behalf of others in expectation of compensation, engaged in the business, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d), including soliciting borrowers and lenders and negotiating loans on real property. In connection with said real estate brokerage activities, REPI accepted or received funds from borrowers and lenders, thereafter made disbursements of such funds, and maintained trust account number .8375 ("T/A 1") at Citibank, 22150 Hawthorne Boulevard, Torrance, California.

6. At all times mentioned herein, REPI also maintained account number 8367 ("T/A 2") at the same bank. However, T/A 2 was not shown to be the type of account that is subject to Section 10145(a). Therefore, the allegations concerning that account are irrelevant.

7. During 1998, REPI:

(a) Maintained a shortage in T/A 1 as of December 31, 1998, in the amount of \$2,627.83.

(b) Did not maintain T/A 1 in the broker's name as trustee, as required by Regulation 2832.

(c) Failed to maintain a monthly record of trust fund reconciliation, as required by Regulation 2831.2.

(d) Allowed Ann Toney and Roza Sharriat, who were unlicensed and for whom there was no fidelity bond, to be signatories on T/A 1.

8. The foregoing facts demonstrate that REPI was negligent or incompetent.

9. The foregoing facts demonstrate that Beihaghi, as REPI's designated officer, failed to exercise reasonable supervision and control of the activities of REPI for which a real estate license is required.

10. REPI and Beighaghi have previously had their licenses disciplined as a result of the decision in Case No. H-27561 LA., filed August 20, 1998.

#### *LEGAL CONCLUSIONS*

1. The facts set forth in Factual Finding 7(a) constitute a violation by REPI of Regulation 2832.1, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

2. The facts set forth in Factual Finding 7(b) constitute a violation by REPI of Regulation 2832, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

3. The facts set forth in Factual Finding 7(c) constitute a violation by REPI of Regulation 2831.2, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

4. The facts set forth in Factual Finding 7(d) constitute a violation by REPI of Regulation 2834, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

5. The facts set forth in Factual Finding 8 constitute cause under Section 10177(g) to suspend or revoke REPI's real estate license and license rights.

6. The facts set forth in Factual Finding 9 constitute cause under Section 10177(h) to suspend or revoke Beihaghi's real estate license and license rights.

*ORDER RE REAL ESTATE PLUS, INC.*

All licenses and licensing rights of respondent Real Estate Plus, Inc., 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 ninety (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 the Business and Professions Code.

1. Any restricted real estate license issued to respondent pursuant to this decision shall be suspended for thirty (30) days from the date of issuance of said restricted license.

2. Respondent shall not maintain a trust account or conduct an escrow business.

3. 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.

4. 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 a provision of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

5. 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 (2) years have elapsed from the effective date of this Decision.

*ORDER RE MOHAMED REZA BEIHAGHI.*

All licenses and licensing rights of respondent Mohamed Reza Beihaghi 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 ninety (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 the Business and Professions Code.

1. Any restricted real estate license issued to respondent pursuant to this decision shall be suspended for thirty (30) days from the date of issuance of said restricted license.

2. Respondent shall not maintain a trust account, act as an escrow, or be the designated officer of any corporate real estate broker except Real Estate Plus, Inc.

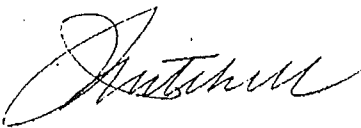
3. The restricted license issued to respondent may be suspended prior to hearing by order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.

4. 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 a provision of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

5. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent 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 respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

6. 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 (2) years have elapsed from the effective date of this Decision.

DATED: August 24, 1999



JERRY MITCHELL  
Administrative Law Judge

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SEP 24 1999  
DEPARTMENT OF REAL ESTATE

By C. B.

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of ) No. H-28139 LA  
REAL ESTATE PLUS, INC. and )  
MOHAMED REZA BEIHAGHI, )  
Respondents. ) L-1999 070 167

NOTICE

TO: Respondent: REAL ESTATE PLUS, INC. and MOHAMED REZA  
BEIHAGHI.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein  
dated August 24, 1999, of the Administrative Law Judge is not  
adopted as the Decision of the Real Estate Commissioner. A copy of  
the Proposed Decision dated August 24, 1999, is attached hereto 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  
including the transcript of the proceedings held on August 20, 1999  
and any written argument hereafter submitted on behalf of  
Respondents and Complainant.

1 Written argument of Respondent to be considered by me  
2 must be submitted within 15 days after receipt of the transcript of  
3 the proceedings of August 20, 1999 at the Los Angeles office of the  
4 Department of Real Estate unless an extension of the time is  
5 granted for good cause shown.

6 Written argument of Complainant to be considered by me  
7 must be submitted within 15 days after receipt of the argument of  
8 Respondent at the Los Angeles office of the Department of Real  
9 Estate unless an extension of the time is granted for good cause  
10 shown.

11 DATED September 14, 1999

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13 JOHN R. LIBERATOR  
Acting Real Estate Commissioner

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15 John R. Liberator  
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JRP:rgp

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

|                                     |   |                     |
|-------------------------------------|---|---------------------|
| In the Matter of the Accusation of: | ) | NO. H-28139 LA      |
|                                     | ) |                     |
| REAL ESTATE PLUS, INC., and         | ) | OAH NO. L1999070167 |
| MOHAMED REZA BEIHAGHI,              | ) |                     |
|                                     | ) |                     |
| Respondents.                        | ) |                     |

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PROPOSED DECISION

This matter was heard on August 20, 1999, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings. The complainant was represented by James R. Peel, Counsel. The respondents were represented by respondent Mohamed Reza Beihaghi.

*FACTUAL FINDINGS*

1. This Accusation was made and filed by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. As used herein, the word "Section" refers to a section of the California Business and Professions Code, and the word "Regulation" refers to a section of Title 10, California Code of Regulations.
3. Real Estate Plus, Inc. ("REPI") is, and at all times mentioned herein was, licensed by the Department of Real Estate ("the Department") as a corporate real estate broker, with Mohamed Reza Beihaghi ("Beihaghi") as its designated officer.
4. Beihaghi is, and at all times mentioned herein was, licensed by the Department as a real estate broker and as designated officer of REPI.
5. At all times mentioned herein, REPI, on behalf of others in expectation of compensation, engaged in the business, acted in the capacity of, advertised or assumed to act as a real estate broker in the State of California within the meaning of Section 10131(d), including soliciting borrowers and lenders and negotiating loans on real property. In connection with said real estate brokerage activities, REPI accepted or received funds from borrowers and lenders, thereafter made disbursements of such funds, and maintained trust account number 8375 ("T/A 1") at Citibank, 22150 Hawthorne Boulevard, Torrance, California.

6. At all times mentioned herein, REPI also maintained account number 8367 ("T/A 2") at the same bank. However, T/A 2 was not shown to be the type of account that is subject to Section 10145(a). Therefore, the allegations concerning that account are irrelevant.

7. During 1998, REPI:

(a) Maintained a shortage in T/A 1 as of December 31, 1998, in the amount of \$2,627.83.

(b) Did not maintain T/A 1 in the broker's name as trustee, as required by Regulation 2832.

(c) Failed to maintain a monthly record of trust fund reconciliation, as required by Regulation 2831.2.

(d) Allowed Ann Toney and Roza Sharriat, who were unlicensed and for whom there was no fidelity bond, to be signatories on T/A 1.

8. The foregoing facts demonstrate that REPI was negligent or incompetent.

9. The foregoing facts demonstrate that Beihaghi, as REPI's designated officer, failed to exercise reasonable supervision and control of the activities of REPI for which a real estate license is required.

10. REPI and Beighaghi have previously had their licenses disciplined as a result of the decision in Case No. H-27561 LA., filed August 20, 1998.

#### *LEGAL CONCLUSIONS*

1. The facts set forth in Factual Finding 7(a) constitute a violation by REPI of Regulation 2832.1, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

2. The facts set forth in Factual Finding 7(b) constitute a violation by REPI of Regulation 2832, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

3. The facts set forth in Factual Finding 7(c) constitute a violation by REPI of Regulation 2831.2, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

4. The facts set forth in Factual Finding 7(d) constitute a violation by REPI of Regulation 2834, and is cause under Section 10177(d) for the suspension or revocation of REPI's real estate license and license rights.

5. The facts set forth in Factual Finding 8 constitute cause under Section 10177(g) to suspend or revoke REPI's real estate license and license rights.

6. The facts set forth in Factual Finding 9 constitute cause under Section 10177(h) to suspend or revoke Beihaghi's real estate license and license rights.

*ORDER RE REAL ESTATE PLUS, INC.*

Not  
Adopted  
All licenses and licensing rights of respondent Real Estate Plus, Inc., 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 ninety (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 the Business and Professions Code.

1. Any restricted real estate license issued to respondent pursuant to this decision shall be suspended for thirty (30) days from the date of issuance of said restricted license.

2. Respondent shall not maintain a trust account or conduct an escrow business.

3. 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.

4. 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 a provision of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

5. 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 (2) years have elapsed from the effective date of this Decision.

*ORDER RE MOHAMED REZA BEIHAGHI.*

All licenses and licensing rights of respondent Mohamed Reza Beihaghi 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 ninety (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 the Business and Professions Code.

1. Any restricted real estate license issued to respondent pursuant to this decision shall be suspended for thirty (30) days from the date of issuance of said restricted license.

2. Respondent shall not maintain a trust account, act as an escrow, or be the designated officer of any corporate real estate broker except Real Estate Plus, Inc.

*Not adopted*  
3. 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.

4. 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 a provision of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.

5. Respondent shall, within nine (9) months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that respondent 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 respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

6. 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 (2) years have elapsed from the effective date of this Decision.

DATED: August 24, 1999



JERRY MITCHELL  
Administrative Law Judge

SACTO

199-0414-003  
BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

**FILED**  
7-20-99  
DEPARTMENT OF REAL ESTATE

\* \* \* \* \*

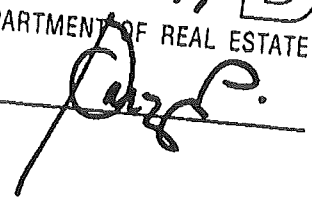
In the Matter of the Accusation of  
REAL ESTATE PLUS, INC., and  
MOHAMED REZA BEIHAGHI,

Respondents.

H-28139 LA

NOTICE OF HEARING

L-1999 070 167

By: 

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, 320 West Fourth Street, Suite 630, Los Angeles, California 90013 on AUGUST 20, 1999, at 9:00 a.m. or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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.

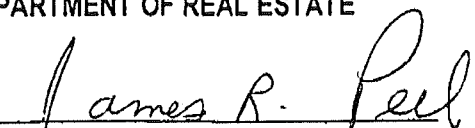
You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real 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, and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: July 19, 1999

DEPARTMENT OF REAL ESTATE

By:

  
JAMES R. PEEL  
DRE, Counsel

cc: Real Estate Plus, Mohamed R. Behaghi  
CGT, OAH & SACTO

RE 501 (Rev. 8/97)

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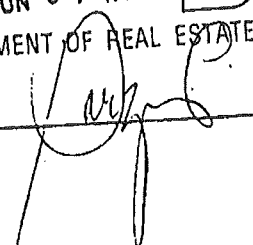
JAMES R. PEEL, Counsel  
Department of Real Estate  
320 West Fourth Street, Suite 350  
Los Angeles, California 90013  
State Bar 47055

(213) 576-6913

FILED  
JUN 07 1999

DEPARTMENT OF REAL ESTATE

By



DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

|                                    |   |                     |
|------------------------------------|---|---------------------|
| In the Matter of the Accusation of | ) | NO. H-28139 LA      |
|                                    | ) |                     |
| REAL ESTATE PLUS, INC., and        | ) | A C C U S A T I O N |
| MOHAMED REZA BEIHAGHI,             | ) |                     |
|                                    | ) |                     |
| Respondents.                       | ) |                     |

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

I

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

II

REAL ESTATE PLUS, INC., and MOHAMED REZA BEIHAGHI,  
(hereinafter referred to as respondents) are presently



1 licensed and/or have license rights under the Real Estate Law  
2 (Part 1 of Division 4 of the Business and Professions Code,  
3 hereinafter "Code").

4 III

5  
6 At all times herein mentioned, respondent REAL ESTATE  
7 PLUS, INC., was licensed by the Department of Real Estate of the  
8 State of California as a corporate real estate broker,  
9 Respondent MOHAMED REZA BEIHAGHI, was licensed as the designated  
10 broker officer of said corporation, and ordered, authorized or  
11 participated in the illegal conduct of respondent REAL ESTATE  
12 PLUS, INC., as alleged in this Accusation. Respondents  
13 previously had their broker license disciplined as a result of  
14 the decision in case no. H-27561 LA, filed August 20, 1998. In  
15 this Decision Respondent's licenses were suspended for two  
16 years, all stayed except 5 days.

17 IV

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

25 V

26 During 1998, in connection with the aforesaid real  
27 estate brokerage activities, respondent REAL ESTATE PLUS, INC.

1 accepted or received funds from borrowers and lenders and  
2 thereafter made disbursements of such funds. Respondent  
3 maintained trust accounts No. 8375 (T/A 1) and No.  
4 8367 (T/A 2), Citibank, 22150 Hawthorne Blvd., Torrance.

5 VI

6 In connection with respondents' activities as a real  
7 estate broker as described above, respondents REAL ESTATE PLUS,  
8 INC., and MOHAMED REZA BEIHAGHI, acted in violation of the Real  
9 Estate Law, Business and Professions Code (hereinafter Code),  
10 and California Code of Regulations (hereinafter Regulations),  
11 Title 10, Chapter 6, as follows:

12 1. Violated Section 10145(a) of the Code and  
13 Regulation 2832.1 by maintaining a shortage in T/A 1 as of  
14 December 31, 1998, in the amount of \$2,627.83, and in T/A 2, in  
15 the amount of \$4,284.48.

16 2. Violated Regulation 2832 in that T/A 1 was not  
17 maintained in the broker's name as trustee.

18 3. Violated Regulation 2831.1 in that separate  
19 records were not maintained for T/A 2.

20 4. Violated Regulation 2831.2 by failing to maintain  
21 a monthly record of trust fund account reconciliation for the  
22 trust accounts.

23 5. Violated Regulation 2834 by allowing unlicensed  
24 persons Ann Toney and Roza Sharriat to be signatories on the  
25 trust accounts. There was no fidelity bond coverage.  
26  
27



VII

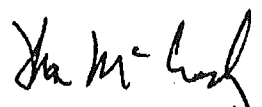
The conduct of respondent REAL ESTATE PLUS, INC., as alleged above, subjects its real estate license and license rights to suspension or revocation pursuant to Sections 10177(d) and 10177(g) of the Code.

VIII

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

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 licensing rights of respondents REAL ESTATE PLUS, INC., and MOHAMED REZA BEIHAGHI, 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 7th Day of June, 1999.

  
Deputy Real Estate Commissioner

JRP:rgp