

FILED
MAY 16 2002

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-28266 LA
)
BEHNAZ SHEILA SHAHBAZI,)
)
Respondent.)

ORDER DENYING REINSTATEMENT OF LICENSE

On December 3, 1999, a Decision was rendered herein
revoking the real estate salesperson license of Respondent.

On September 24, 2001, Respondent petitioned for
reinstatement of said license and the Attorney General of the
State of California has been given notice of the filing of the
petition.

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1 I have considered Respondent's petition and the
2 evidence submitted and arguments in support thereof.

3 Respondent has failed to demonstrate to my satisfaction that
4 Respondent has undergone sufficient rehabilitation to warrant
5 the issuance to Respondent of an unrestricted real estate
6 salesperson license, in that:
7

8 I

9 In the Decision which revoked the real estate license
10 of Respondent, there was a Determination of Issues made that
11 there was cause to revoke Respondent's real estate license
12 pursuant to Business and Professions Code ("Code") Sections 490
13 10177(a) and 10177(b).
14

15 Respondent had failed to reveal a conviction on the
16 license application she submitted to the Department of Real
17 Estate ("Department") in March, 1999, thereby procuring a real
18 estate by fraud, misrepresentation, deceit, or by making a
19 material misstatement of fact.
20

21 In January, 1997 Respondent was convicted of the
22 crime of petty theft. The circumstances leading
23 to Respondent's conviction were that she took a shirt from a
24 department store without paying for it.

25 ///

26 ///

1 Said crime involved moral turpitude and is
2 substantially related to the qualifications, functions and
3 duties of a licensee.

4
5 II

6 Due to the serious nature of the misconduct which led
7 to the loss of Respondent's real estate salesperson, additional
8 time is needed to measure rehabilitation. This is cause to
9 deny Respondent's petition pursuant to Section 2911(a), Title
10 10, Chapter 6, California Code of Regulations.

11 I am satisfied, however, that it will not be against
12 the public interest to issue a restricted real estate
13 salesperson license to Respondent.

14
15 NOW, THEREFORE, IT IS ORDERED that Respondent's
16 petition for reinstatement of Respondent's real estate
17 salesperson license is denied.

18 A restricted real estate salesperson license shall
19 be issued to Respondent pursuant to Code Section 10156.5 if
20 Respondent makes application therefor and pays the appropriate
21 fee for said license within nine (9) months from the date
22 hereof.

23
24 ///

25 ////

26 ///

1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Code Section 10156.7 and to
3 the following limitations, conditions and restrictions imposed
4 under authority of Code Section 10156.6:
5

6 1. The restricted license issued to Respondent
7 may be suspended prior to hearing by Order of the Real Estate
8 Commissioner in the event of Respondent's conviction or plea
9 of nolo contendere to a crime which is substantially related
10 to Respondent's fitness or capacity as a real estate licensee.
11

12 2. The restricted license issued to Respondent
13 may be suspended prior to hearing by Order of the Real Estate
14 Commissioner on evidence satisfactory to the Commissioner that
15 Respondent has violated provisions of the California Real
16 Estate Law, the Subdivided Lands Law, Regulations of the Real
17 Estate Commissioner or conditions attaching to the restricted
18 license.
19

20 3. Respondent shall not be eligible to apply for the
21 issuance of an unrestricted real estate license nor for the
22 removal of any of the conditions, limitations or restrictions
23 of a restricted license until two (2) years have elapsed from
24 the effective date of this Decision.
25

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1 4. Respondent shall submit with any application for
2 license under an employing broker, or with any application for
3 transfer to a new employing broker, a statement signed by the
4 prospective employing real estate broker on a form approved by
5 the Department which shall certify:

6
7 (a) That the employing broker has read the Decision
8 of the Commissioner which granted the right to a restricted
9 license; and

10 (b) That the employing broker will exercise close
11 supervision over the performance by the restricted licensee
12 relating to activities for which a real estate license is
13 required.
14

15 5. Respondent shall within nine (9) months from the
16 date hereof, submit evidence satisfactory to the Real Estate
17 Commissioner that Respondent has, since Respondent's license
18 was revoked, taken and successfully completed the continuing
19 education requirements of Article 2.5 of Chapter 3 of the Real
20 Estate Law for renewal of a real estate license.
21

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23 ///

24 ///

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26 ///

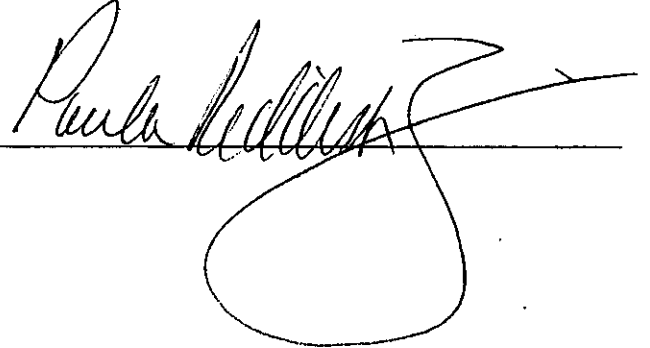
27 ///

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

8 This Order shall become effective at 12 o'clock noon
9 on June 5, 2002.

10
11 DATED: May 13, 2002.

12 PAULA REDDISH ZINNEBANN
13 Real Estate Commissioner

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25 cc: Behnaz Sheila Shahbazi
26 24676 La Vida Drive
27 Laguna Niguel, CA 92677

FILED
DEC 10 1999
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By C. B.

* * * * *

In the Matter of the Accusation of) No. H-28266 LA
)
)
BEHNAZ SHEILA SHAHBAZI,) L-1999100283
)
)
Respondent.)
_____)

DECISION

The Proposed Decision dated November 19, 1999, 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 conviction of a crime and knowingly making a false statement of fact required to be revealed in an application for license.

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 December 30, 1999.

IT IS SO ORDERED December 3, 1999

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

John R. Liberator

BY: John R. Liberator
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:) NO. H-28266 LA
)
BEHNAZ SHEILA SHAHBAZI,) OAH NO. L1999100283
)
Respondent.)
_____)

PROPOSED DECISION

This matter was heard on November 8, 1999, at Los Angeles, by Jerry Mitchell, Administrative Law Judge of the Office of Administrative Hearings. The complainant was represented by Chris Leong, Counsel. The respondent was present and represented herself.

FACTUAL FINDINGS

1. This Accusation was made by Thomas McCrady in his official capacity as a Deputy Real Estate Commissioner of the State of California.
2. Respondent is currently licensed by the Department of Real Estate (Department) as a real estate salesperson. Her license was issued on about April 16, 1999, as a result of an application (the application) she submitted to the Department on about March 14, 1999.
3. Respondent answered "No" to question 25 of the application, which asked: "Have you ever been convicted of any violation of law?" In fact, respondent had been convicted as hereinafter set forth.
4. On about January 8, 1997, in the Municipal Court of Harbor Judicial District, County of Orange, State of California, respondent was convicted by plea of guilty of a violation of Penal Code section 484(a) - 488 (Petty Theft), a crime involving moral turpitude which is substantially related to the qualifications, functions or duties of a real estate salesperson. On February 25, 1998, her petition under Penal Code section 1203.4 was granted.
5. According to respondent, the circumstances resulting in her conviction were that while she was shopping in a Nordstrom department store, she paid for one of two shirts that were on a counter and inadvertently placed both shirts

in a bag. She stated that she pleaded guilty because she was in a hurry and did not want to go back to court, and she answered "No" to Question 25 of the application because she thought her record was cleared when her petition under Penal Code section 1203.4 was granted. Respondent did not seem contrite and did not appear to take personal responsibility for the conviction or her failure to disclose it.

LEGAL CONCLUSIONS

1. Respondent's conviction, as set forth in Factual Finding 4, above, constitutes cause under Business and Professions Code sections 490 and 10177(b) for suspension or revocation of respondent's licenses and license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).
2. Respondent's failure to disclose the conviction on her application constitutes procurement of a real estate license by fraud, misrepresentation, deceit, or by making a material misrepresentation of fact in the application, and is a separate cause, under Business and Professions Code section 10177(a), for suspension or revocation of her licenses and license rights
3. Respondent's continued licensure would not be compatible with the public interest.

ORDER

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

DATED: November 19, 1999



JERRY MITCHELL
Administrative Law Judge

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)

Case No. H-28266 LA

BEHNAZ SHEILA SHAHBAZI,)

OAH No. L-1999100283

Respondent(s)

FILED
OCT 22 1999
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

By C. By

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, CA 90013-1105 on MONDAY, NOVEMBER 8, 1999, at the hour of 1:30 P.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.

DEPARTMENT OF REAL ESTATE

Dated: October 22, 1999

By

CHRIS LEONG

CHRIS LEONG, Counsel

cc: Behnaz Sheila Shahbazi
Kiumars Karimian Pour

✓ Sacto.

OAH

SAC

1 CHRIS LEONG, Counsel
2 State Bar Number 141079
3 Department of Real Estate
4 320 West Fourth Street, Suite 350
5 Los Angeles, California 90013-1105
6 Telephone: (213) 567-6982
7 -or- (213) 576-6910 (Direct)

FILED
OCT - 8 1999
DEPARTMENT OF REAL ESTATE

By C. M. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)
12 BEHNAZ SHEILA SHAHBAZI,) NO. H-28266 LA
13 Respondent.) A C C U S A T I O N
14 _____)

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for cause of Accusation
17 against BEHNAZ SHEILA SHAHBAZI (hereinafter "Respondent"), is
18 informed and 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 conditional real estate salesperson. This license

1 is subject to Section 10153.4 of the Code. Said license was
2 issued on about April 16, 1999. Said license was issued as a
3 result of Respondent's application to the Department for a
4 conditional real estate salesperson license on or about
5 March 14, 1999 (hereinafter "application").

6 III

7 On or about January 8, 1997, in the Municipal Court,
8 Harbor Judicial District, County of Orange, California,
9 Respondent was convicted of violating Section 484(a)-488 of the
10 California Penal Code (Petty theft), a crime involving moral
11 turpitude which is substantially related under Section 2910,
12 Title 10, California Code of Regulations, to the qualifications,
13 functions or duties of a real estate licensee.

14 IV

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

19 APPLICATION

20 V

21 In response to Question 25 of said application, to
22 wit: "Have you ever been convicted of any violation of law?",
23 Respondent marked the box denoting "No".

24 VI

25 Respondent's failure to reveal the criminal conviction
26 set forth in Paragraph III, above, in said application,
27 constitutes the procurement of a real estate license by fraud,



1 misrepresentation, deceit, or by making a material misstatement
2 of fact in said application, which failure to reveal is cause
3 under Code Section 10177(a) for the suspension or revocation of
4 all licenses and license rights of Respondent under the Real
5 Estate Law.

6 WHEREFORE, Complainant prays that a hearing be
7 conducted on the allegations of this Accusation and that upon
8 proof thereof, a decision be rendered imposing disciplinary
9 action against all licenses and license rights of Respondent,
10 BEHNAZ SHEILA SHAHBAZI, under the Real Estate Law. (Part 1 of
11 Division 4 of the Business and Professions Code), and for such
12 other and further relief as may be proper under other applicable
13 provisions of law.

14 Dated at Los Angeles, California

15 this 8th day of October, 1999.

16
17 THOMAS MCCRADY
18 Deputy Real Estate Commissioner
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21
22
23
24

25 cc: Behnaz Sheila Shahbazi
26 Kiumars Karimian Pour
27 Thomas McCrady
Sacto.
JN

