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2 Department of Real Estate
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FILED
JAN - 9 2001
DEPARTMENT OF REAL ESTATE

By CS

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)

12 MARK KAMRAN SHAKERI, individually)
13 and dba Century West Financial)
14 and Elite Properties and)
15 DENNIS HALE BENNETT,)

DRE NO. H-28541 LA
OAH NO. L-2000060438

STIPULATION AND AGREEMENT
AND DECISION AFTER REJECTION

16 Respondents.)

17 The California Department of Real Estate (Complainant)
18 filed an Accusation against MARK KAMRAN SHAKERI, individually and
19 dba Century West Financial and Elite Properties (sometimes
20 referred to as "Respondent") and DENNIS HALE BENNETT (BENNETT), on
21 May 9, 2000, and a First Amended Accusation dated July 25, 2000.

22 On September 20, 2000, a hearing was held as to Respondent SHAKERI
23 and evidence received, the record was closed, and the matter was
24 submitted. The matter as to BENNETT was handled separately.

25 On October 18, 2000, the Proposed Decision of the
26 Administrative Law Judge was issued, and determined, among other
27 things, that Respondent shall not be eligible to apply for the
issuance of an unrestricted real estate license nor removal of any

1 of the conditions, limitations or restrictions of a restricted
2 license until one (1) year has elapsed from the effective date of
3 this Decision.

4 On November 21, 2000, the Commissioner notified
5 Respondent that the Proposed Decision of the Administrative Law
6 Judge was not adopted as the Decision of the Real Estate
7 Commissioner.

8 The parties wish to settle this matter without further
9 proceedings.

10 IT IS HEREBY STIPULATED by and between Respondent
11 and the Complainant, acting by and through Chris Leong, Counsel
12 for the Department of Real Estate, as follows for the purpose of
13 settling and disposing of the Accusation filed by Complainant.

14 A. It is understood by the parties that the Real
15 Estate Commissioner may adopt the Stipulation and Agreement and
16 Decision After Rejection as her decision in this matter, thereby
17 imposing the penalty and sanctions on Respondent's real estate
18 license and license rights as set forth in the below "Decision
19 and Order". In the event the Commissioner in her discretion does
20 not adopt the Stipulation and Agreement and Decision After
21 Rejection, the Stipulation shall be void and of no effect; the
22 Commissioner will review the transcript and the evidence in the
23 case, and will issue her Decision after Rejection as her Decision
24 in this matter.

25 B. By reason of the foregoing and solely for the
26 purpose of settlement of the Accusation without further
27 administrative proceedings, it is stipulated and agreed that the

1 purpose of settlement of the Accusation without further
2 administrative proceedings, it is stipulated and agreed that the
3 Factual Findings, Legal Conclusions and the Order, with the
4 modification stated below, which are set out in the Proposed
5 Decision, and which were rejected by the Commissioner on
6 November 21, 2000, are hereby adopted and incorporated by
7 reference herein.

8 C. By reason of the foregoing and solely for the
9 purpose of settlement of the Accusation without further
10 administrative proceedings, it is stipulated and agreed that the
11 Order, which was set out in the Proposed Decision, and which was
12 rejected by the Commissioner on November 21, 2000, is hereby
13 modified as follows:

14 Paragraph 3 is rejected and is to be replaced with the
15 following: "Respondent shall not be eligible to apply for the
16 issuance of an unrestricted real estate license nor removal of any
17 of the conditions, limitations or restrictions of a restricted
18 license until two (2) years have elapsed from the effective date
19 of this Decision."

20 DATED: 12/22/00

Chris Leong
CHRIS LEONG, ESQ.
Counsel for Complainant

22 * * *

23 I have read the Stipulation and Agreement and Decision
24 After Rejection and its terms are understood by me and are
25 agreeable and acceptable to me. I understand that I am waiving
26 rights given to me by the California Administrative Procedure Act
27 (including but not limited to Sections 11506, 11508, 11509 and

1 11513 of the Government Code), and I willingly, intelligently and
2 voluntarily waive those rights, including the right of requiring
3 the Commissioner to prove the allegations in the Accusation at a
4 hearing at which I would have the right to cross-examine witnesses
5 against me and to present evidence in defense and mitigation of
6 the charges.

7 Respondent can signify acceptance and approval of the
8 terms and conditions of this Stipulation and Agreement by faxing a
9 copy of the signature page, as actually signed by Respondent, to
10 the Department at the following telephone/fax number
11 (213) 576-6917. Respondent agrees, acknowledges and understands
12 that by electronically sending to the Department a fax copy of his
13 actual signature as it appears on the Stipulation and Agreement,
14 that receipt of the faxed copy by the Department shall be as
15 binding on Respondent as if the Department had received the
16 original signed Stipulation and Agreement.

17
18 DATED: 12-21-00


MARK KAMRAN SHAKERI, individually,
and dba Century West Financial and
Elite Properties, Respondent

* * *

21 The foregoing Stipulation and Agreement and Decision
22 After Rejection is hereby adopted as my Decision in this matter
23 and shall become effective at 12 o'clock noon on January 29, 2001.

24 IT IS SO ORDERED January 9, 2001

25 PAULA REDDISH ZINNEBANN
26 Real Estate Commissioner
27 

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

In the Matter of the Accusation Against:)
)
 MARK KAMRAN SHAKERI, dba)
 Century West Financial and Elite)
 Properties, and Dennis Hale Bennett)
)
 Respondents.)
)
 _____)

File No. : **H-28541 LA**
OAH NO.: **L 2000060438**

PROPOSED DECISION

This matter came on regularly for hearing before Barbara Bailey Barnes, Administrative Law Judge with the Office of Administrative Hearings, State of California, on September 20, 2000.

Chris Leong, Staff Counsel, represented complainant, Thomas McCrady.

Respondent, Mark Kamran Shakeri, hereinafter "Respondent", appeared and represented himself.

Dennis Hale Bennett is also named as a respondent. He did not request a hearing on this matter. After his default was entered, his real estate license was revoked by the Department of Real Estate in a Decision, filed September 8, 2000, for violation of Business and Professions Code sections 10130 and 10177 (d).

This matter regarding Respondent Shakeri was heard on September 20, 2000 and proceeded on the first Amended Accusation. Oral and documentary evidence was received. The matter was submitted and the record was closed on that date.

FACTUAL FINDINGS

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.
2. Respondent was originally licensed as a real estate salesperson by the State of California Department of Real Estate ("Department") on April 26, 1988. His real estate salesperson's license terminated on February 9, 1994. On that date, the Department issued real estate brokers' license number 00988571 to Respondent. His real estate broker's license is due to expire February 8, 2002.

On February 9, 1994, Respondent recorded a fictitious business name statement with the Department that he was doing business as ("dba") Century West Financial. The dba of Elite Properties was added, effective May 1, 1996.

3. On September 5, 1998, Respondent, as owner and employing broker for Century West Financial and Elite Properties ("Century") hired Dennis Hale Bennett ("Bennett") as a loan officer and independent contractor for Century. Century operated as a real estate brokerage and mortgage firm, soliciting borrowers and lenders for loans secured by interests in real property.

4. Bennett was licensed by the Department as a real estate salesperson under license number 389204 until that license expired on February 5, 1984. Bennett was unlicensed as a real estate salesperson from February 6, 1984 to February 24, 1999. On February 25, 1999, the Department issued Bennett real estate salesperson's license, number 1252570.

5. Based upon Respondent's testimony in the instant matter, Respondent employed Bennett continuously from September 25, 1998 until approximately January, 2000. He interviewed Bennett for the position with Century in early September 1998. At that time Respondent "assumed" that Bennett was properly licensed since he had been previously employed as a loan officer by a mortgage company. Respondent checked the Department's website to verify the status of Bennett's license. It showed that Bennett was licensed. Further inquiry on the website would have revealed, however, that Bennett's license had expired. Respondent made no other efforts to verify the status of Bennett's license.

After completing three (3) weeks of training, Bennett began his duties as a loan officer with Century. The employment contract, designated as the "Loan Officer Agreement" executed by Respondent and Bennett on September 25, 1998, described Bennett's duties as including, *inter alia*, preparation, submission and servicing of loan applications, the oversight of loan placements and funding with respect to the company's customers. Such loans were arranged, negotiated and processed on behalf of members of the public in exchange for compensation or the expectation of compensation.

6. Respondent's testimony echoed the comments he made in a letter dated June 7, 1999 addressed to Lupe Felix, Deputy Commissioner of the Department. He stated:

"Approximately two to three weeks after Dennis completed his training I approached Dennis and told him that I needed him to bring in his license and that I had to contact the Department of Real Estate for the change of broker. Dennis informed me that his license was expired and thought that it was not necessary to have a license since his previous employer employed him under a CFL license. I told Dennis that Century West Financial was operating under a broker license and a sales person's license was indeed required."

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7. Respondent informed Bennett it was mandatory that he apply for an "updated" license in order to continue in his position as a loan officer. However, Respondent allowed Bennett to remain employed at Century, assisting in the loan-processing department. When his license arrived in March 1999, Bennett resumed his position as a loan officer.

8. From approximately October 6, 1998 through November 18, 1998, as Respondent's employee at Century, Bennett solicited and negotiated a loan to be secured by real property owned by Linda and Merle Rhodes, husband and wife. Bennett was not licensed during this period.

9. Linda and Merle Rhodes testified at the hearing of the instant matter. Based upon their testimony, the following occurred: After becoming interested in refinancing their property to make home improvements, Linda Rhodes contacted Bennett at Century after she responded to a newspaper advertisement placed by the company. Seeking the lowest possible interest rate, Mrs. Rhodes initially contacted Bennett on October 5, 1998. Bennett offered her a "no cost, no fee" loan at 6.50 percent interest. The Rhodes were told the loan would be consummated within fifteen (15) days. After completing the loan application, the Rhodes returned it to Bennett. Weeks passed without the loan being finalized and there were telephonic and written communications between the Rhodes and Bennett. The loan was finally approved at a higher rate of 6.85%. When the Rhodes protested the higher rate, Bennett reminded them that they had signed a "good faith" estimate. Although the signatures on the loan agreement and the good faith estimate appeared similar, the Rhodes adamantly denied signing the document, stating that their signatures on the document had been forged. Bennett and others at Century who processed the loan denied that such was the case and, although the Rhodes indicated in letters to Century that the District Attorney's Office had been contacted, no criminal prosecution has ensued.

10. On November 22, 1998, in a letter to Bennett from Linda Rhodes, Mrs. Rhodes voiced her frustration about Bennett's inept handling of the transaction and demanded the return of her appraisal fees. Century's senior loan officer, Alex Tehranchi, responded to the letter, enclosing a check for the appraisal fees and informing the Rhodes of their approval for a "no cost, no fee" loan of \$155,000 at 6.825% interest, fixed for thirty years. The Rhodes declined the offer and went elsewhere for financing.

11. The Rhodes suffered no actual out-of-pocket costs as a result of Bennett's actions, according to the testimony of Linda Rhodes. She described the contractors who had begun work on the home as "working with us" during her negotiations with Century. She suffered frustration during the process and ultimately was required to seek a loan with higher interest rates than that which had been initially promised by Bennett. It was the Rhodes' complaint to the Department regarding their dissatisfaction with the quality of the transaction and Bennett's actions, which precipitated the instant Accusation.

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12. Respondent expressed regret and accepted his responsibility for being remiss in his duty to thoroughly check the license status of a real estate salesperson he had hired. He realizes he made a serious mistake and indicated that, during the time that Century remained in business, he took appropriate steps and changed his business practices to insure that such an incident did not recur.

13. Regarding the Rhodes' transaction, Respondent indicated in his testimony and in letters to the Department that every effort was made to complete the loan transaction with the Rhodes in a proper manner. However, interest rates rose rapidly making it impossible to obtain the loan at the lower rate. The bank making the loan "suspended" the application pending receipt of certain verification of employment documents from Mrs. Rhodes. Once they were received, the transaction proceeded. After Mrs. Rhodes discovered that the loan would be at a higher rate, she and Mr. Rhodes denied they had signed the "good faith estimate" and alleged that their signatures had been forged. Respondent stated all persons involved with the transaction at his company denied any participation in the forgery of any documents.

14. Bennett was subsequently terminated from Century's employment for reasons other than his conduct during the Rhodes' transaction. Century is no longer in business. Respondent admitted, however, that as owner of Century and as the employing broker, he should have been more vigilant in the oversight of Bennett and the entire loan processes. Based upon closing comments by the Complainant's counsel at the hearing of this Accusation, Respondent was forthright and cooperative with the Department during the investigation of this matter.

15. Respondent has been the subject of no other complaints to the Department. He is currently employed as a supervisor for Geneva Bank Corporation, overseeing account executives engaged in equipment lease financing. The position does not require a real estate broker's license.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following Legal Conclusions:

1. Cause exists to suspend or revoke the real estate broker license of Respondent, Mark Kamram Shakeri, pursuant to of the Business and Professions Code Section 10137 in that Respondent employed Dennis Hale Bennett to perform acts requiring a real estate salesperson's license issued by the Department and Bennett performed said acts without being licensed, as set forth in Findings 3 through 9 and 12 through 14.

2. The pertinent part of Business and Professions Code ("Code") section 10137 reads:

"It is unlawful for any licensed real estate broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this chapter who is not a licensed real estate broker, or a real estate salesman licensed under the broker employing or compensating him. For a violation of any of the provisions of this section, the Commissioner may temporarily suspend or permanently revoke the license of the real estate licensee, in accordance with the provisions of this part relating to hearings." (Emphasis added)

By his own admission, Respondent did little to verify that Bennett was lawfully licensed to engage in real estate transactions. His "assumption" that Bennett held a license and his use of the Department's website as his only source of verification fell miserably short of the due diligence required of him. Respondent had the duty, as the employing broker and the owner of Century, to insure that all employees who engaged in real estate transactions on behalf of the company were lawfully licensed, *before* employment commenced. Section 10137 was enacted for the purpose of protecting the public from unlicensed and unscrupulous persons who might mislead and cause harm and frustration to the public in real estate transactions. As an aggravating factor, although not alleged in the instant Accusation, Respondent failed to closely supervise the transactions in which Bennett was engaged.

Although Century is no longer in business, it is undisputed that Century operated, advertised and acted as a real estate brokerage company within the meaning of Section 10131 (d) of the Code, including the operation of a real estate mortgage loan business with the public. In the course of the operation of said business, Century solicited borrowers and lenders for loans secured by interest in real property and negotiated these transactions for compensation or with the expectation of compensation. As such, a high standard of scrutiny was expected in all transactions. Century and the Respondent failed to maintain such a standard.

To his credit, however, Respondent has incurred no prior or subsequent complaints during his tenure as a licensed broker. He also was cooperative and forthright with the Department in its investigation of this matter. He expressed remorse for his violation of the Department's regulations and standards. Nevertheless, there is cause for discipline of his license, since the apparent risk to the public was so great for such an oversight and lack of strict scrutiny. It is in this light that the following Order is made.

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ORDER

WHEREFORE, the following Order is hereby made:

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

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

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

3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one (1) year has elapsed from the effective date of this Decision.

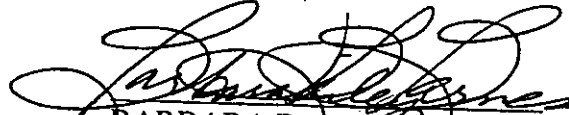
4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education 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 the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

5. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect such information concerning Respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Not
adapted
see pg 3 of
brief

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of Respondent and periodic summaries of salient information concerning each real estate transaction in which the Respondent engaged during the period covered by the report.

October 18, 2000



BARBARA BAILEY BARNES
Administrative Law Judge
Office of Administrative Hearings

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FILED
NOV 21 2000
DEPARTMENT OF REAL ESTATE

By CS

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

In the Matter of the Accusation of)
MARK KAMRAN SHAKERI, Individually) No. H-28541 LA
and dba Century West Financial) L-2000060438
and Elite Properties and)
DENNIS HALE BENNETT,)
Respondents.)

NOTICE

TO: Respondent MARK KAMRAN SHAKERI.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated October 18, 2000, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated October 18, 2000, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on September 20,

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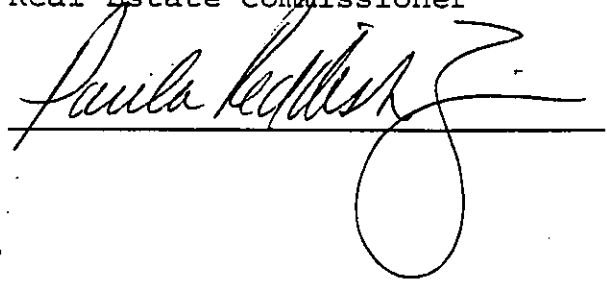
1 2000, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of September 20, 2000, at the Los Angeles
6 office of the Department of Real Estate unless an extension of
7 the time is granted for good cause shown.

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

13 DATED: November 14, 2000

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15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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

In the Matter of the Accusation Against:)

MARK KAMRAN SHAKERI, dba)
Century West Financial and Elite)
Properties, and Dennis Hale Bennett)

Respondents.)

File No. : H-28541 LA
OAH NO.: L 2000060438

PROPOSED DECISION

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Chris Leong, Staff Counsel, represented complainant, Thomas McCrady.

Respondent, Mark Kamran Shakeri, hereinafter "Respondent", appeared and represented himself.

Dennis Hale Bennett is also named as a respondent. He did not request a hearing on this matter. After his default was entered, his real estate license was revoked by the Department of Real Estate in a Decision, filed September 8, 2000, for violation of Business and Professions Code sections 10130 and 10177 (d).

This matter regarding Respondent Shakeri was heard on September 20, 2000 and proceeded on the first Amended Accusation. Oral and documentary evidence was received. The matter was submitted and the record was closed on that date.

FACTUAL FINDINGS

1. The Accusation was made by Thomas McCrady, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in his official capacity.

2. Respondent was originally licensed as a real estate salesperson by the State of California Department of Real Estate ("Department") on April 26, 1988. His real estate salesperson's license terminated on February 9, 1994. On that date, the Department issued real estate brokers' license number 00988571 to Respondent. His real estate broker's license is due to expire February 8, 2002.

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5. Based upon Respondent's testimony in the instant matter, Respondent employed Bennett continuously from September 25, 1998 until approximately January, 2000. He interviewed Bennett for the position with Century in early September 1998. At that time Respondent "assumed" that Bennett was properly licensed since he had been previously employed as a loan officer by a mortgage company. Respondent checked the Department's website to verify the status of Bennett's license. It showed that Bennett was licensed. Further inquiry on the website would have revealed, however, that Bennett's license had expired. Respondent made no other efforts to verify the status of Bennett's license.

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"Approximately two to three weeks after Dennis completed his training I approached Dennis and told him that I needed him to bring in his license and that I had to contact the Department of Real Estate for the change of broker. Dennis informed me that his license was expired and thought that it was not necessary to have a license since his previous employer employed him under a CFL license. I told Dennis that Century West Financial was operating under a broker license and a sales person's license was indeed required."

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9. Linda and Merle Rhodes testified at the hearing of the instant matter. Based upon their testimony, the following occurred: After becoming interested in refinancing their property to make home improvements, Linda Rhodes contacted Bennett at Century after she responded to a newspaper advertisement placed by the company. Seeking the lowest possible interest rate, Mrs. Rhodes initially contacted Bennett on October 5, 1998. Bennett offered her a "no cost, no fee" loan at 6.50 percent interest. The Rhodes were told the loan would be consummated within fifteen (15) days. After completing the loan application, the Rhodes returned it to Bennett. Weeks passed without the loan being finalized and there were telephonic and written communications between the Rhodes and Bennett. The loan was finally approved at a higher rate of 6.85%. When the Rhodes protested the higher rate, Bennett reminded them that they had signed a "good faith" estimate. Although the signatures on the loan agreement and the good faith estimate appeared similar, the Rhodes adamantly denied signing the document, stating that their signatures on the document had been forged. Bennett and others at Century who processed the loan denied that such was the case and, although the Rhodes indicated in letters to Century that the District Attorney's Office had been contacted, no criminal prosecution has ensued.

10. On November 22, 1998, in a letter to Bennett from Linda Rhodes, Mrs. Rhodes voiced her frustration about Bennett's inept handling of the transaction and demanded the return of her appraisal fees. Century's senior loan officer, Alex Tehranchi, responded to the letter, enclosing a check for the appraisal fees and informing the Rhodes of their approval for a "no cost, no fee" loan of \$155,000 at 6.825% interest, fixed for thirty years. The Rhodes declined the offer and went elsewhere for financing.

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12. Respondent expressed regret and accepted his responsibility for being remiss in his duty to thoroughly check the license status of a real estate salesperson he had hired. He realizes he made a serious mistake and indicated that, during the time that Century remained in business, he took appropriate steps and changed his business practices to insure that such an incident did not recur.

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14. Bennett was subsequently terminated from Century's employment for reasons other than his conduct during the Rhodes' transaction. Century is no longer in business. Respondent admitted, however, that as owner of Century and as the employing broker, he should have been more vigilant in the oversight of Bennett and the entire loan processes. Based upon closing comments by the Complainant's counsel at the hearing of this Accusation, Respondent was forthright and cooperative with the Department during the investigation of this matter.

15. Respondent has been the subject of no other complaints to the Department. He is currently employed as a supervisor for Geneva Bank Corporation, overseeing account executives engaged in equipment lease financing. The position does not require a real estate broker's license.

LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following Legal Conclusions:

1. Cause exists to suspend or revoke the real estate broker license of Respondent, Mark Kamram Shakeri, pursuant to of the Business and Professions Code Section 10137 in that Respondent employed Dennis Hale Bennett to perform acts requiring a real estate salesperson's license issued by the Department and Bennett performed said acts without being licensed, as set forth in Findings 3 through 9 and 12 through 14.

2. The pertinent part of Business and Professions Code ("Code") section 10137 reads:

"It is unlawful for any licensed real estate broker to employ or compensate, directly or indirectly, any person for performing any of the acts within the scope of this chapter who is not a licensed real estate broker, or a real estate salesman licensed under the broker employing or compensating him. For a violation of any of the provisions of this section, the Commissioner may temporarily suspend or permanently revoke the license of the real estate licensee, in accordance with the provisions of this part relating to hearings." (Emphasis added)

By his own admission, Respondent did little to verify that Bennett was lawfully licensed to engage in real estate transactions. His "assumption" that Bennett held a license and his use of the Department's website as his only source of verification fell miserably short of the due diligence required of him. Respondent had the duty, as the employing broker and the owner of Century, to insure that all employees who engaged in real estate transactions on behalf of the company were lawfully licensed, *before* employment commenced. Section 10137 was enacted for the purpose of protecting the public from unlicensed and unscrupulous persons who might mislead and cause harm and frustration to the public in real estate transactions. As an aggravating factor, although not alleged in the instant Accusation, Respondent failed to closely supervise the transactions in which Bennett was engaged.

Although Century is no longer in business, it is undisputed that Century operated, advertised and acted as a real estate brokerage company within the meaning of Section 10131 (d) of the Code, including the operation of a real estate mortgage loan business with the public. In the course of the operation of said business, Century solicited borrowers and lenders for loans secured by interest in real property and negotiated these transactions for compensation or with the expectation of compensation. As such, a high standard of scrutiny was expected in all transactions. Century and the Respondent failed to maintain such a standard.

To his credit, however, Respondent has incurred no prior or subsequent complaints during his tenure as a licensed broker. He also was cooperative and forthright with the Department in its investigation of this matter. He expressed remorse for his violation of the Department's regulations and standards. Nevertheless, there is cause for discipline of his license, since the apparent risk to the public was so great for such an oversight and lack of strict scrutiny. It is in this light that the following Order is made.

///

ORDER

WHEREFORE, the following Order is hereby made:

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

1. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee.
2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted license.
3. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor for the removal of any of the conditions, limitations or restrictions of a restricted license until one (1) year has elapsed from the effective date of this Decision.
4. Respondent shall, within nine 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 the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.
5. Respondent shall report in writing to the Department of Real Estate as the Real Estate Commissioner shall direct by his Decision herein or by separate written order issued while the restricted license is in effect such information concerning Respondent's activities for which a real estate license is required as the Commissioner shall deem to be appropriate to protect the public interest.

Such reports may include, but shall not be limited to, periodic independent accountings of trust funds in the custody and control of Respondent and periodic summaries of salient information concerning each real estate transaction in which the Respondent engaged during the period covered by the report.

October 18, 2000



BARBARA BAILEY BARNES
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By C3

* * *

In the Matter of the Accusation of)
MARK KAMRAN SHAKERI, individually) NO. H-28541 LA
and dba Century West Financial)
and Elite Properties and)
DENNIS HALE BENNETT,)
Respondents.)

DECISION

This Decision as to DENNIS HALE BENNETT is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on August 18, 2000, and the findings of fact set forth herein are based on one or more of the following: (1) Respondent's express admissions; (2) affidavits; and (3) other evidence. The Accusation as to MARK KAMRAN SHAKERI, individually and dba Century West Financial and Elite Properties will be handled separately.

FINDINGS OF FACT

I

On May 9, 2000, Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California. The Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on May 9, 2000, June 1, 2000 and June 26, 2000. The First Amended Accusation, Statement to Respondent, and Notice of Defense were mailed, by certified mail, to Respondent's last known mailing address on file with the Department on July 25, 2000.

On August 18, 2000, no Notice of Defense having been filed herein, within the time prescribed by Section 11506 of the Government Code, Respondent's default was entered herein.

II

On or about April 26, 1971, Respondent BENNETT was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code

(Code), as real estate salesperson, under license number 389204. This license expired on February 5, 1984. From February 6, 1984 to February 24, 1999, Respondent BENNETT was not licensed. On or about February 25, 1999, Respondent BENNETT was licensed as a real estate salesperson, under license number 1252570. Respondent MARK KAMRAN SHAKERI was BENNETT's employing broker from February 25, 1999 to December 15, 1999. Independent Realty Capital Corp. was BENNETT's employing broker from December 16, 1999 to present.

III

At all times mentioned herein, for compensation or in expectation of compensation, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Code Section 10131(d), including the operation of a real estate mortgage loan business with the public wherein borrowers and lenders were solicited for loans secured by interest in real property, wherein such loans were arranged, negotiated, processed, and consummated on behalf of others for compensation or in expectation of compensation. From on or about October 6, 1998 through November 18, 1998, Respondent BENNETT, as an employee of Respondent MARK KAMRAN SHAKERI, solicited and negotiated a loan to be secured by real property located at 711 Fourth St., El Cajon, CA 92019, on behalf of the owners, Linda Anne Rhodes and Merle Morgan Rhodes.

IV

Prior to engaging in the business and acting in the capacity of a real estate broker within the State of California, Respondent BENNETT failed to obtain a real estate broker license from the Department of Real Estate, in violation of Code Section 10130.

DETERMINATION OF ISSUES

I

The conduct of Respondent BENNETT, in performing acts requiring a license while he was unlicensed, as alleged in Finding III, is cause pursuant to Code Sections 10130 and 10177(d) for the suspension or revocation of all licenses and license rights of Respondent BENNETT under the Real Estate Law.

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

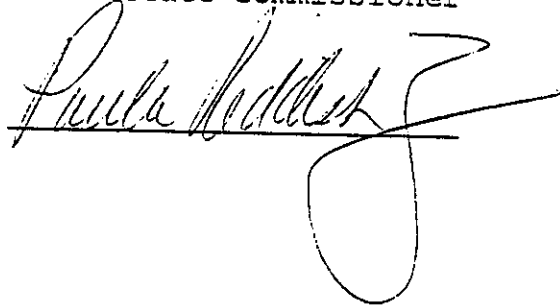
The license and license rights of Respondent DENNIS HALE BENNETT under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on September 28, 2000

DATED:

September 5, 2000.

PAULA REDDISH ZINNEMANN
Real Estate Commissioner

A handwritten signature in cursive script, appearing to read "Paula Reddish Zinnemann", is written over a horizontal line. The signature is fluid and stylized, with a large loop at the end.

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105
4 (213) 576-6982

FILED
AUG 18 2000
DEPARTMENT OF REAL ESTATE

By CS

8
9 BEFORE THE DEPARTMENT OF REAL ESTATE

10 STATE OF CALIFORNIA

11 * * * *

12 In the Matter of the Accusation of)
13 MARK KAMRAN SHAKERI, individually)
14 and dba Century West Financial)
15 and Elite Properties and)
16 DENNIS HALE BENNETT,)
17 Respondent(s).)

NO. H-28541 LA

DEFAULT ORDER

17 Respondent, DENNIS HALE BENNETT, having failed
18 to file a Notice of Defense within the time required by
19 Section 11506 of the Government Code, is now in default.
20 It is, therefore, ordered that a default be entered on the
21 record in this matter.

22 IT IS SO ORDERED August 18, 2000

23 PAULA REDDISH ZINNEMANN
24 Real Estate Commissioner

25 Randolph Brendia By Jan K. Luf
26 By: RANDOLPH BRENDIA
27 Regional Manager



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) 576-6982
7 -or- (213) 576-6910 (Direct)

FILED
JUL 25 2000
DEPARTMENT OF REAL ESTATE

By 13

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)
12)
13 MARK KAMRAN SHAKERI, individually)
14 and dba Century West Financial)
15 and Elite Properties and)
16 DENNIS HALE BENNETT,)
17 Respondents.)

NO. H-28541 LA
L-2000060438

FIRST AMENDED
ACCUSATION

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against MARK KAMRAN SHAKERI, individually and dba Century West
19 Financial and Elite Properties (hereinafter "SHAKERI") and
20 DENNIS HALE BENNETT (hereinafter "BENNETT") (hereinafter
21 sometimes referred to as "Respondents"), is informed and alleges
22 as follows:

I

24 The Complainant, Thomas McCrady, a Deputy Real Estate
25 Commissioner of the State of California, makes this Accusation
26 in his official capacity.

II

At all times herein mentioned, Respondent SHAKERI was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code, as real estate broker, individually and dba Century West Financial and Elite Properties.

III

On or about April 26, 1971, Respondent BENNETT was licensed and/or had license rights under the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code (Code), as real estate salesperson, under license number 389204. This license expired on February 5, 1984. From February 6, 1984 to February 24, 1999, Respondent BENNETT was not licensed. On or about February 25, 1999, Respondent BENNETT was licensed as a real estate salesperson, under license number 1252570. Respondent SHAKERI was BENNETT's employing broker from February 25, 1999 to December 15, 1999. Independent Realty Capital Corp. was BENNETT's employing broker from December 16, 1999 to present.

IV

At all times mentioned herein, for compensation or in expectation of compensation, Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California, within the meaning of Code Section 10131(d), including the operation of a real estate mortgage loan business with the public wherein borrowers and lenders were solicited for loans secured by

1 interest in real property, wherein such loans were arranged,
2 negotiated, processed, and consummated on behalf of others for
3 compensation or in expectation of compensation. From on or
4 about October 6, 1998 through November 18, 1998, Respondent
5 BENNETT, as an employee of Respondent SHAKERI, solicited and
6 negotiated a loan to be secured by real property located at
7 711 Fourth St., El Cajon, CA 92019, on behalf of the owners,
8 Linda Anne Rhodes and Merle Morgan Rhodes.

9
10 V

11 Prior to engaging in the business and acting in the
12 capacity of a real estate broker within the State of California,
13 Respondent BENNETT failed to obtain a real estate broker license
14 from the Department of Real Estate, in violation of Code Section
15 10130.

16 VI

17 The conduct of Respondent BENNETT, in performing acts
18 requiring a license while he was unlicensed, as alleged in
19 Paragraph IV, is a violation of Code Section 10130 and is cause
20 pursuant to Code Section 10177(d) for the suspension or
21 revocation of all licenses and license rights of Respondent
22 BENNETT, under the Real Estate Law.

23 VII

24 The conduct of Respondent SHAKERI, in employing
25 BENNETT, for performing acts requiring a license while he was
26 unlicensed, as alleged in Paragraph IV, is cause pursuant to
27 Code Section 10137 for the suspension or revocation of all
licenses and license rights of Respondent SHAKERI under the Real

1 Estate Law.

2 WHEREFORE, Complainant prays that a hearing be
3 conducted on the allegations of this Accusation and that upon
4 proof thereof, a decision be rendered imposing disciplinary
5 action against all licenses and license rights of Respondents,
6 MARK KAMRAN SHAKERI, individually and dba Century West Financial
7 and Elite Properties and DENNIS HALE BENNETT, under the Real
8 Estate Law (Part 1 of Division 4 of the Business and Professions
9 Code), and for such other and further relief as may be proper
10 under other applicable provisions of law.

11 Dated at Los Angeles, California

12 this 25th day of July, 2000.

13
14 THOMAS MCCRADY

15 Deputy Real Estate Commissioner
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23

24 cc: Mark Kamran Shakeri
25 Dennis Hale Bennett
26 Independent Realty Capital Corp.
27 Thomas McCrady
Sacto.
OAH
LF



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
MARK KAMRAN SHAKERI, individually)
and dba Century West Financial)
and Elite Properties and)
DENNIS HALE BENNETT,)

Respondent(s)

Case No. H-28541 LA

OAH No. L-2000060438

FILED
JUN 30 2000
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

By 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, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on WEDNESDAY, SEPTEMBER 20, 2000, at the hour of 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.

DEPARTMENT OF REAL ESTATE

Dated: June 30, 2000

By CHRIS LEONG
CHRIS LEONG, Counsel

cc: Mark Kamran Shakeri
Sacto.
OAH

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

FILED
MAY - 9 2000
DEPARTMENT OF REAL ESTATE

By CS

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Accusation of)
12 MARK KAMRAN SHAKERI, individually) NO. H-28541 LA
13 and dba Century West Financial) A C C U S A T I O N
14 and Elite Properties and)
15 DENNIS HALE BENNETT,)
Respondents.)

16 The Complainant, Thomas McCrady, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against MARK KAMRAN SHAKERI, individually and dba Century West
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20 DENNIS HALE BENNETT (hereinafter "BENNETT") (hereinafter
21 sometimes referred to as "Respondents"), is informed and alleges
22 as follows:

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26 in his official capacity.
27

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17 The conduct of Respondent BENNETT, in performing acts
18 requiring a license while he was unlicensed, as alleged in
19 Paragraph IV, is cause pursuant to Code Section 10130 for the
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23 The conduct of Respondent SHAKERI, in employing
24 BENNETT, for performing acts requiring a license while he was
25 unlicensed, as alleged in Paragraph IV, is cause pursuant to
26 Code Section 10137 for the suspension or revocation of all
27 licenses and license rights of Respondent SHAKERI under the Real
Estate Law.



1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and license rights of Respondents,
5 MARK KAMRAN SHAKERI, individually and dba Century West Financial
6 and Elite Properties and DENNIS HALE BENNETT, under the Real
7 Estate Law (Part 1 of Division 4 of the Business and Professions
8 Code), and for such other and further relief as may be proper
9 under other applicable provisions of law.

10 Dated at Los Angeles, California
11 this 9th day of May, 2000.

12
13 THOMAS MCCRADY
14 Deputy Real Estate Commissioner
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22
23

24 cc: Mark Kamran Shakeri
25 Dennis Hale Bennett
26 Independent Realty Capital Corp.
27 Thomas McCrady
Sacto.
LF

