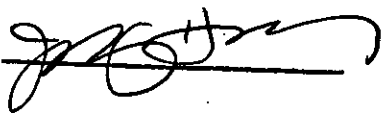


59070

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**FILED**  
OCT 18 2004  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-28626 LA  
ALIYA ZAREI, )  
Respondent. )

ORDER GRANTING UNRESTRICTED LICENSE

On February 15, 2001, a Decision was rendered herein, denying Respondent's application for a real estate license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on April 6, 2001 and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

///  
///  
///  
///

1 On or about May 21, 2003, Respondent petitioned for  
2 the removal of restrictions attaching to Respondent's real  
3 estate salesperson license.

4 I have considered the petition of Respondent and  
5 the evidence submitted in support thereof. Respondent has  
6 demonstrated to my satisfaction that Respondent meets the  
7 requirements of law for the issuance to Respondent of an  
8 unrestricted real estate salesperson license and that it would  
9 not be against the public interest to issue said license to  
10 Respondent.

11 NOW, THEREFORE, IT IS ORDERED that Respondent's  
12 petition for removal of restrictions is granted and that a  
13 real estate salesperson license be issued to him subject to  
14 the following understanding and conditions:

15 1. The license issued pursuant to this order shall  
16 be deemed to be the first renewal of Respondent's real estate  
17 salesperson license for the purpose of applying the provisions  
18 of Section 10153.4.

19 2. Within nine (9) months from the date of this order  
20 Respondent shall:

21 (a) Submit a completed application and pay the  
22 appropriate fee for a real estate salesperson license, and

23 (b) Submit evidence of having taken and successfully  
24 completed the courses specified in subdivisions (a) (1),  
25 (2), (3) and (4) of Section 10170.5 of the Real Estate  
26 Law for renewal of a real estate license.  
27

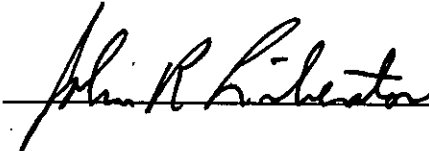
///

1                   3. Upon renewal of the license issued pursuant to  
2 this order, respondent shall submit evidence of having taken and  
3 successfully completed the continuing education requirements of  
4 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of  
5 a real estate license.

6                   This Order shall be effective immediately.

7                   Dated: Oct. 6, 2004

8                   JOHN R. LIBERATOR  
9                   Acting Real Estate Commissioner

10                     
11                   \_\_\_\_\_

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24 cc: Aliya Zarei  
25       416 Santorini  
26       Irvine, CA 92606  
27

*Sacks  
Hay*

**FILED**  
FEB 22 2001  
DEPARTMENT OF REAL ESTATE

1 Department of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
4 Telephone: (213) 576-6911

By Laura B. Jones

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of ) DRE NO. H-28626 LA  
12 ALIYA ZAREI, ) OAH NO. H-2000090058  
13 Respondent. ) STIPULATION AND WAIVER  
14 ) AND  
 ) DECISION AFTER REJECTION

15 The California Department of Real Estate (Complainant)  
16 filed a Statement of Issues against ALIYA ZAREI on June 30,  
17 2000. On October 11, 2000, a hearing was held as to Respondent  
18 ALIYA ZAREI and evidence received, the record was closed, and  
19 the matter was submitted.

20 On October 24, 2000, the Proposed Decision of the  
21 Administrative Law Judge was issued, and determined, among other  
22 things, that Respondent shall not be eligible to apply for the  
23 issuance of an unrestricted real estate license nor removal of  
24 any of the conditions, limitations or restrictions of a  
25 restricted license until two (2) years have elapsed from the  
26 effective date of this Decision.

27 On November 20, 2000, the Commissioner notified  
Respondent that the Proposed Decision of the Administrative Law

1 Judge was not adopted as the Decision of the Real Estate  
2 Commissioner.

3 The parties wish to settle this matter without further  
4 proceedings.

5 IT IS HEREBY STIPULATED by and between Respondent  
6 and the Complainant, acting by and through Elliott Mac Lennan,  
7 Counsel for the Department of Real Estate, as follows for the  
8 purpose of settling and disposing of the Statement of Issues  
9 filed by Complainant.

10 A. It is understood by the parties that the Real  
11 Estate Commissioner may adopt the Stipulation and Waiver and  
12 Decision After Rejection (Stipulation) as her decision  
13 in this matter, as set forth in the below "Order". In the event  
14 that the Commissioner in her discretion does not adopt the  
15 Stipulation, the Stipulation shall be void and of no effect; the  
16 Commissioner will review the transcript and the evidence in the  
17 case, and will issue her Decision After Rejection as her  
18 Decision in this matter.

19 B. By reason of the foregoing and solely for the  
20 purpose of settlement of the pending Statement of Issues without  
21 further administrative proceedings, it is stipulated and agreed  
22 that the Factual Findings, Legal Conclusions and the Order, with  
23 the modification stated below, which are set out in the Proposed  
24 Decision, and which were rejected by the Commissioner on  
25 November 20, 2000, are hereby adopted and incorporated by  
26 reference herein.

27



1 C. By reason of the foregoing and solely for the  
2 purpose of settlement of the pending Statement of Issues without  
3 further administrative proceedings, it is stipulated and agreed  
4 that the Order, which was set out in the Proposed Decision, and  
5 which was rejected by the Commissioner on November 20, 2000, is  
6 hereby modified to add the following paragraph:

7  
8 4. Respondent's restricted real estate salesperson  
9 license is issued subject to the requirements of Section  
10 10153.4 of the Business and Professions Code, to wit:  
11 Respondent shall, within eighteen (18) months of the issuance  
12 of the restricted license, submit evidence satisfactory to the  
13 Commissioner of successful completion, at an accredited  
14 institution, of two of the courses listed in Section 10153.2,  
15 other than real estate principles; advanced legal aspects of  
16 real estate, advanced real estate finance or advanced real  
17 estate appraisal. If Respondent fails to timely present to  
18 the Department satisfactory evidence of successful completion  
19 of the two required courses, the restricted license shall be  
20 automatically suspended effective eighteen (18) months after  
21 the date of its issuance. Said suspension shall not be lifted  
22 unless, prior to the expiration of the restricted license,  
23 Respondent has submitted the required evidence of course  
24 completion and the Commissioner has given written notice to  
25 the Respondent of lifting of the suspension.

26 DATED: 1-30-01

E. J. Lennan  
ELLIOTT MAC LENNAN, Counsel for  
the Department of Real Estate

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\* \* \*

I have read the Stipulation and its terms are  
understood by me and are agreeable and acceptable to me. I  
understand that I am waiving rights given to me by the  
California Administrative Procedure Act (including but not  
limited to Sections 11506, 11508, 11509 and 11513 of the  
Government Code), and I willingly, intelligently and voluntarily  
waive those rights.

Respondent can signify acceptance and approval of the  
terms and conditions of this Stipulation by faxing a copy of its  
signature page, as actually signed by Respondent, to the  
Department at the following telephone/fax number:

(213) 576-6917, Attention: Elliott Mac Lennan, Counsel.

Respondent agrees, acknowledges and understands that by  
electronically sending to the Department a fax copy of  
Respondent's actual signature as it appears on the Stipulation,  
that receipt of the faxed copy by the Department shall be as  
binding on Respondent as if the Department had received the  
original signed Stipulation.

DATED: 1-20-00

ALIYA ZAREL  
ALIYA ZAREL, Respondent

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\* \* \*

I have read the Stipulation and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of its signature page, as actually signed by Respondent, to the Department at the following telephone/fax number:  
(213) 576-6917, Attention: Ellicott Mac Lennan, Counsel.  
Respondent agrees, acknowledges, and understands that by electronically sending to the Department a fax copy of Respondent's actual signature as it appears on the Stipulation, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation.

DATED: \_\_\_\_\_  
ALIYA ZAREI, Respondent



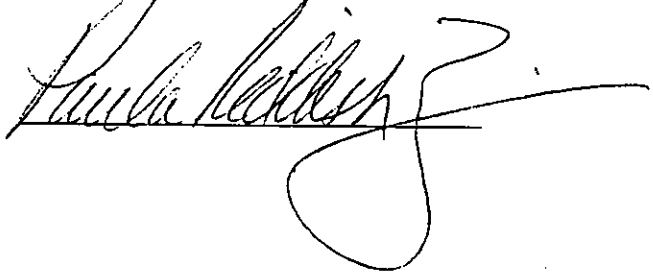
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\* \* \*

The foregoing Stipulation and Waiver and Decision  
After Rejection is hereby adopted as my Decision as to  
Respondent ALIYA ZAREI, and shall become effective at 12 o'clock  
noon on March 14, 2001

IT IS SO ORDERED February 15, 2001.

PAULA REDDISH ZINNEMANN  
Real Estate Commissioner



BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of:

ALIYA ZAREI,

Respondent.

Case No. H-28626 LA

OAH No. L-2000090058

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings on October 11, 2000, at Los Angeles, California. The Complainant was represented by Elliott Mac Lennan, Counsel. Respondent, Aliya Zarei, appeared in person without counsel.

Oral and documentary evidence was received and the matter submitted for decision. It is now found true as follows:

1

Thomas McCrady, Complainant, is a Deputy Real Estate Commissioner of the State of California, and made the Statement of Issues in his official capacity.

2.

Respondent, Aliya Zarei, made application to the Department of Real Estate of the State of California for a real estate salesperson's license on or about January 20, 2000.

3

A. On November 14, 1997, in the Superior Court of California, County of Orange, South Justice Center, State of California, Respondent was convicted upon her plea of guilty of violating Section 484(a) of the Penal Code (petty theft), a misdemeanor.

B. Respondent removed without paying for various items from a retail store totaling approximately \$100.00. Respondent's action is out-of-keeping with her normal and usual conduct, and for which she is contrite.

\*\*\*\*\*

Said conduct is substantially related to the qualifications, functions and duties of a licensee.

\*\*\*\*\*

PURSUANT to the foregoing finding of fact, the Administrative Law Judge makes the following determination of issues:

1

Cause for denial of Respondent's application exists pursuant to Sections 480(a) and 10177(b) of the Business and Professions Code.

2

No public purpose would be furthered by denying Respondent a restricted license.

WHEREFORE, THE FOLLOWING ORDER is hereby made: *Modified - see pg 3 in stip + Waiver*

Respondent's application for a real estate salesperson's license is denied; provided, however, a restricted real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the Respondent shall be subject to all 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 said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:


- (a) The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or
- (b) The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands law, Regulations of the Real Estate Commissioner of conditions attached to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two (2) year have elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

- (a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
- (b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Dated: Oct 24, 2000

  
MILFORD A. MARON  
Administrative Law Judge  
Office of Administrative Hearings

MAM:lp

*Handwritten signature/initials in the top left corner.*

**FILED**  
NOV 20 2000  
DEPARTMENT OF REAL ESTATE

By *Laura B. Crow*

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of	)	No. H-28626 LA
ALIYA ZAREI,	)	L-2000090058
	)	
Respondent.	)	
	)	
	)	
	)	

NOTICE

TO: ALIYA ZAREI, Respondent

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated October 24, 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 24, 2000, 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 October 11,

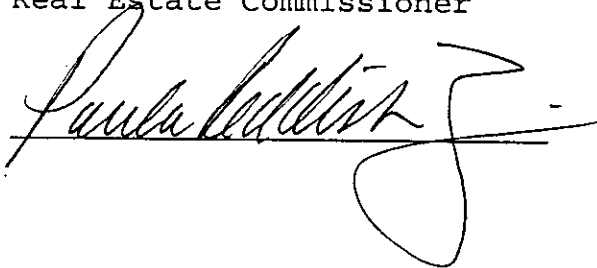
1 2000, and any written argument hereafter submitted on behalf of  
2 respondent and complainant.

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 October 11, 2000, at the Los Angeles office  
6 of the Department of Real Estate unless an extension of the time  
7 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.

15 PAULA REDDISH ZINNEMANN  
16 Real Estate Commissioner

17   
18  
19  
20  
21  
22  
23  
24  
25  
26

27 lbo

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Application of:

ALIYA ZAREI,

Respondent.

Case No. H-28626 LA

OAH No. L-2000090058

**PROPOSED DECISION**

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge with the Office of Administrative Hearings on October 11, 2000, at Los Angeles, California. The Complainant was represented by Elliott Mac Lennan, Counsel. Respondent, Aliya Zarei, appeared in person without counsel.

Oral and documentary evidence was received and the matter submitted for decision. It is now found true as follows:

1

Thomas McCrady, Complainant, is a Deputy Real Estate Commissioner of the State of California, and made the Statement of Issues in his official capacity.

2.

Respondent, Aliya Zarei, made application to the Department of Real Estate of the State of California for a real estate salesperson's license on or about January 20, 2000.

3

A. On November 14, 1997, in the Superior Court of California, County of Orange, South Justice Center, State of California, Respondent was convicted upon her plea of guilty of violating Section 484(a) of the Penal Code (petty theft), a misdemeanor.

B. Respondent removed without paying for various items from a retail store totaling approximately \$100.00. Respondent's action is out-of-keeping with her normal and usual conduct, and for which she is contrite.

\* \* \* \* \*

Said conduct is substantially related to the qualifications, functions and duties of a licentiate.

\* \* \* \* \*

PURSUANT to the foregoing finding of fact, the Administrative Law Judge makes the following determination of issues:

1

Cause for denial of Respondent's application exists pursuant to Sections 480(a) and 10177(b) of the Business and Professions Code.

2

No public purpose would be furthered by denying Respondent a restricted license.

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Respondent's application for a real estate salesperson's license is denied; provided, however, a restricted real estate salesperson's license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code. The restricted license issued to the Respondent shall be subject to all 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 said Code:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:
  - (a) The conviction of Respondent (including a plea of nolo contendere) of a crime which is substantially related to Respondent's fitness or capacity as a real estate licensee; or
  - (b) The receipt of evidence that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands law, Regulations of the Real Estate Commissioner of conditions attached to this restricted license.



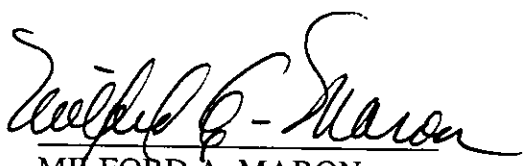
NOT ADOPTED

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license, nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two (2) year have elapsed from the date of issuance of the restricted license to Respondent.

3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Department of Real Estate which shall certify as follows:

- (a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and
- (b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

Dated: Oct 24, 2000

  
MILFORD A. MARON  
Administrative Law Judge  
Office of Administrative Hearings

MAM:lp

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

By James B. Dora

In the Matter of the Application of ) Case No. H-28626 LA  
) L-2000090058  
ALIYA ZAREI, )  
)  
Respondent(s) )

NOTICE OF HEARING ON APPLICATION

*To the above-named respondent:*

*You are hereby notified* that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on **OCTOBER 11, 2000** at the hour of **9:00 a.m.**, or as soon thereafter as the matter can be heard, upon the Statement of Issues 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.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: September 20, 2000

DEPARTMENT OF REAL ESTATE

By: ELLIOTT MACLENNAN  
ELLIOTT MACLENNAN, Counsel

cc: Aliya Zarei  
Sacto.  
OAH

*Handwritten signature/initials*

Elliott Mac Lennan, Counsel SBN 66674  
Department of Real Estate  
320 W. 4<sup>th</sup> Street, Suite 350  
Los Angeles, CA 90113-1105

**FILED**  
JUN 30 2000  
DEPARTMENT OF REAL ESTATE

Telephone: (213) 576-6911

By *Jana B. Jan*

2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Application of)	No. H-28626LA
ALIYA ZAREI,	)
	)
Respondent.	)
	)
	)
	)
	)

STATEMENT OF ISSUES

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against ALIYA ZAREI, is informed and alleges in his official capacity as follows:

1

Respondent made application to the Department of Real Estate of the State of California for a real estate salesperson license on or about January 20, 2000, with the knowledge and understanding that any license issued as a result of said application would be subject to Section 10153.4(c) under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code) (Code).

///

1  
2 On November 14, 1997, in the Superior Court of  
3 California, County of Orange, South Justice Center, State of  
4 California, respondent was convicted upon a guilty plea of  
5 violating Section 484(a) of the California Penal Code (petty  
6 theft), a misdemeanor crime that occurred on or about September  
7 24, 1997. This crime, by its facts and circumstances, involves  
8 moral turpitude and is substantially related under Section 2910,  
9 Chapter 6, Title 10 of the California Code of Regulations, to the  
10 qualifications, functions or duties of a real estate licensee.

11  
12 The facts as alleged in Paragraph 2, constitute cause  
13 for denial of respondent's application for a real estate license  
14 under Sections 480(a) and 10177(b) of the Code.

15 These proceedings are brought under the provisions of  
16 Section 10100, Division 4 of the California Business and  
17 Professions Code and Sections 11500 through 11528 of the  
18 California Government Code.

19 WHEREFORE, the Complainant prays that above-  
20 entitled matter be set for hearing and, upon proof of the  
21 charges contained herein, that the Commissioner refuse to  
22 authorize the issuance of, and deny the issuance of, a real  
23 estate salesperson license to Respondent, ALIYA ZAREI, and  
24 for such other and further relief as may be proper in the  
25 premises.

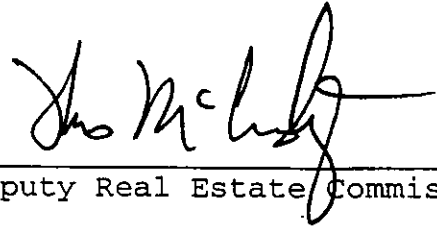
26 ///

27 ///



1 Dated at Los Angeles, California

2 This 30th day of June, 2000.



Deputy Real Estate Commissioner

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

cc: Aliya Zarei  
Sacto  
ST