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FILED
SEP 10 2003
DEPARTMENT OF REAL ESTATE



BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
IDA BANIASSAD,)	NO. H-29712 LA
Respondent.)	<u>STIPULATION</u>
)	<u>AND WAIVER</u>

It is hereby stipulated by and between IDA BANIASSAD (hereinafter "Respondent") and Respondent's attorney, Daniel A. Nassie, and the Complainant, acting by and through Martha Rosett, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues filed on October 4, 2002, in this matter:

A. Respondent acknowledges that Respondent has received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate in connection with Respondent's application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's honesty

1 and truthfulness and to prove other allegations therein, or that
2 she may in her discretion waive the hearing and grant Respondent
3 a restricted real estate salesperson license based upon this
4 Stipulation and Waiver. Respondent also understands that by
5 filing the Statement of Issues in this matter the Real Estate
6 Commissioner is shifting the burden to Respondent to make a
7 satisfactory showing that Respondent meets all the requirements
8 for issuance of a real estate salesperson license. Respondent
9 further understands that by entering into this stipulation and
10 waiver, Respondent will be stipulating that the Real Estate
11 Commissioner has found that Respondent has failed to make such a
12 showing, thereby justifying the denial of the issuance to
13 Respondent of an unrestricted real estate salesperson license.

14 B. Respondent hereby admits that the allegations of
15 the Statement of Issues filed against Respondent are true and
16 correct and requests that the Real Estate Commissioner in her
17 discretion issue a restricted real estate salesperson license to
18 Respondent under the authority of Section 10156.5 of the Business
19 and Professions Code.

20 C. Respondent is aware that by signing this
21 Stipulation and Waiver, Respondent is waiving Respondent's right
22 to a hearing and the opportunity to present evidence at the
23 hearing to establish Respondent's rehabilitation in order to
24 obtain an unrestricted real estate salesperson license if this
25 Stipulation and Waiver is accepted by the Real Estate
26 Commissioner. However, Respondent is not waiving Respondent's
27 right to a hearing and to further proceedings to obtain a

1 restricted or unrestricted license if this Stipulation and Waiver
2 is not accepted by the Commissioner.

3 D. Respondent further understands that the following
4 conditions, limitations, and restrictions will attach to a
5 restricted license issued by the Department of Real Estate
6 pursuant hereto:

- 7 1. The license shall not confer any property
8 right in the privileges to be exercised
9 including the right of renewal, and the Real
10 Estate Commissioner may by appropriate order
11 suspend the right to exercise any privileges
12 granted under this restricted license in the
13 event of:
 - 14 a. The conviction of Respondent (including a
15 plea of nolo contendere) to a crime which
16 bears a substantial relationship to
17 Respondent's fitness or capacity as a real
18 estate licensee; or
 - 19 b. The receipt of evidence that Respondent has
20 violated provisions of the California Real
21 Estate Law, the Subdivided Lands Law,
22 Regulations of the Real Estate
23 Commissioner, or conditions attaching to
24 this restricted license.
- 25 2. Respondent shall not be eligible to apply for
26 the issuance of an unrestricted real estate
27 license nor the removal of any of the

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conditions, limitations or restrictions attaching to the restricted license until two years 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 broker on a form approved by the Department of Real Estate wherein the employing broker shall certify as follows:

a. That broker has read the Statement of Issues which is the basis for the issuance of the restricted license; and

b. That 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: 7/15/03

Martha J. Rosett
MARTHA J. ROSETT, Counsel
Department Of Real Estate

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I have read the Stipulation and Waiver, have discussed it with my counsel, 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, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his/her actual signature as it appears on the Stipulation and Waiver, 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 and Waiver.

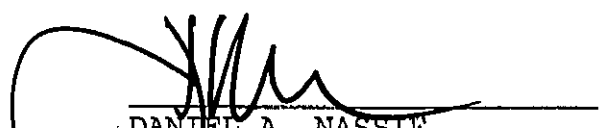
DATED: 1/8/03

Ida Baniassad
IDA BANIASSAD
Respondent

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I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

DATED: 1/9/03


DANIEL A. NASSIE
Attorney for Respondent

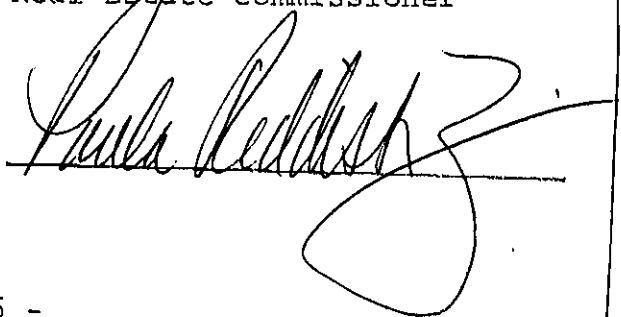
I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED September 4, 2003.

PAULA REDDISH ZINNE MANN
Real Estate Commissioner



SAC

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-29712 LA

IDA BANIASSAD,

) OAH No. L-2002110350

Respondent(s)

FILED
MAY 29 2003
DEPARTMENT OF REAL ESTATE

NOTICE OF CONTINUED HEARING ON APPLICATION

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 TUESDAY, AUGUST 12, 2003, at the hour of 1:30 P.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 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: May 29, 2003

By Martha J. Rosett
MARTHA J. ROSETT, Counsel

cc: Ida Baniassad
Ali R. Mirhosseini, Esq.
Sacto.
OAH

SAC

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of) Case No. H-29712 LA
)
 IDA BANIASSAD,) OAH No. L-2002110350
)
)
 _____)
 Respondent(s)

FILED
 APR - 9 2003
 DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON APPLICATION

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 TUESDAY, MAY 27, 2003, at the hour of 1:30 P.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.

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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: April 9, 2003

By *Martha J. Rosett*
 MARTHA J. ROSETT, Counsel

cc: Ida Baniassad
 ✓ Sacto.
 OAH

*Sacto
Hwy*

FILED
DEC 3 2002
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

Laura B. Chou

* * * *

In the Matter of the Application of) Case No. H-29712 LA
) L-2002110350
IDA BANIASSAD,)
)
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 **JANUARY 14, 2003** 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: December 3, 2002

DEPARTMENT OF REAL ESTATE

By: *Martha J. Rosett*
MARTHA J. ROSETT, Counsel

cc: Ida Baniassad
Daniel A. Nassie, Esq.
Sacto.
OAH

Sachs
Jan

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013-1105

4 (213) 576-6982
5 (213) 576-6914

FILED
OCT 4 2002
DEPARTMENT OF REAL ESTATE
By *Laura S. Chan*

6
7
8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-29712 LA
12 IDA BANIASSAD,)
13 Respondent.) STATEMENT OF ISSUES

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16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against IDA BANIASSAD ("Respondent") alleges in her official
19 capacity as follows:

20 1.

21 On or about December 20, 2001, Respondent made
22 application to the Department of Real Estate of the State of
23 California ("Department") for a real estate salesperson license.

24 Department of Motor Vehicle Discipline

25 2.

26 On or about September 13, 2000, in Department of Motor
27 Vehicles case number MA-99-0360 Respondent's vehicle verifier

1 permit number V-11034 was revoked by the California Department of
2 Motor Vehicle for violating Vehicle Code Sections 11300 (acting
3 as a vehicle verifier when such permit had been cancelled) and 20
4 (knowingly making false statements in documents filed with the
5 department). These violations were cause for discipline of
6 Respondent's vehicle verifier permit pursuant to Vehicle Code
7 Section 11305(e) and 11302(a) (1).

8 3.

9 On or about September 13, 2000, in Department of Motor
10 Vehicles Case No. S-99-0359, Respondent's California vehicle
11 salesperson's license number S-658980 was revoked by the
12 California Department of Motor Vehicles, pursuant to Vehicle Code
13 Section 11806(d) due to the discipline of Respondent's vehicle
14 verifier's permit as set forth in Paragraph 2 above. The
15 revocation of Respondent's vehicle salesperson license was stayed
16 for three years upon certain terms and conditions which included
17 a sixty day suspension and allowed for the issuance of a
18 probationary license.

19 4.

20 The revocation of Respondent's vehicle verifier's
21 permit and her vehicle salesperson license by the California
22 Department of Motor Vehicles as set forth in Paragraphs 2 and 3
23 above constitutes grounds to deny Respondent's application for a
24 real estate salesperson license pursuant to Business and
25 Professions Code Section 10177(f) for acts which would have
26 warranted discipline of a real estate license in California.

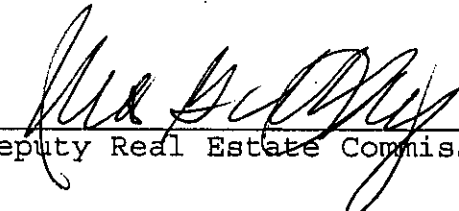
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1 These proceedings are brought under the provisions of
2 Section 10100, Division 4 of the Business and Professions Code of
3 the State of California and Sections 11500 through 11528 of the
4 Government Code.

5 WHEREFORE, the Complainant prays that the above-
6 entitled matter be set for hearing and, upon proof of the charges
7 contained herein, that the Commissioner refuse to authorize the
8 issuance of, and deny the issuance of, a real estate broker
9 license to Respondent IDA BANIASSAD and for such other and
10 further relief as may be proper under the law.

11 Dated at Los Angeles, California

12 this 25th day of September, 2002.

13
14 
15 _____
16 Deputy Real Estate Commissioner
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24 cc: Ida Baniassad
25 Maria Suarez
26 Sacto.
27 KA