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**FILED**  
MAR 27 2003  
DEPARTMENT OF REAL ESTATE

*W. Co.*

**DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

*In the Matter of the Application of*

DAVID JOSEPH MARZOUK,

Respondent

)  
) No. H- 29722 LA  
) L-2002100713  
)  
) **STIPULATION AND**  
) **WAIVER**  
)  
)

I, DAVID JOSEPH MARZOUK, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate salesperson license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on October 10, 2002, in connection with my application for a real estate salesperson license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness and to prove other allegations therein, or that she may in her discretion waive the hearing and grant me a restricted real estate salesperson license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate salesperson license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate

1 Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the  
2 issuance to me of an unrestricted real estate salesperson license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and  
4 request that the Real Estate Commissioner in her discretion issue a restricted real estate salesperson license  
5 to me under the authority of Section 10156.5 of the Business and Professions Code. I understand that any  
6 such restricted license will be issued subject to and be limited by Section 10153.4 of the Business and  
7 Professions Code.

8 I am aware that by signing this Stipulation and Waiver, I am waiving my right to a hearing and the  
9 opportunity to present evidence at the hearing to establish my rehabilitation in order to obtain an  
10 unrestricted real estate salesperson license if this Stipulation and Waiver is accepted by the Real Estate  
11 Commissioner. However, I am not waiving my right to a hearing and to further proceedings to obtain a  
12 restricted or unrestricted license if this Stipulation and Waiver is not accepted by the Commissioner.

13 I further understand that the following conditions, limitations, and restrictions will attach to a  
14 restricted license issued by the Department of Real Estate pursuant hereto:

- 15 1. The license shall not confer any property right in the privileges to be exercised including the  
16 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
17 to exercise any privileges granted under this restricted license in the event of:
  - 18 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a  
19 substantial relationship to respondent's fitness or capacity as a real estate licensee; or
  - 20 b. The receipt of evidence that respondent has violated provisions of the California Real  
21 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
22 conditions attaching to this restricted license.
- 23 2. I shall not be eligible to apply for the issuance of an unrestricted real estate license nor the  
24 removal of any of the conditions, limitations or restrictions attaching to the restricted license  
25 until two years have elapsed from the date of issuance of the restricted license to respondent.  
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1 3. With the application for license, or with the application for transfer to a new employing broker, I  
2 shall submit a statement signed by the prospective employing broker on a form approved by the  
3 Department of Real Estate wherein the employing broker shall certify as follows:

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

6 b. That broker will carefully review all transaction documents prepared by the restricted  
7 licensee and otherwise exercise close supervision over the licensee's performance of acts  
8 for which a license is required.

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

20 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license  
21 under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be  
22 entitled to the issuance of another license which is subject to Section 10153.4 until four years  
23 after the date of the issuance of the preceding restricted license.

24 DATED this 3rd day of March, 2003.

25   
26 \_\_\_\_\_  
27 DAVID JOSEPH MARZOUK, Respondent

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

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

9 This Order is effective immediately.

10 DATED this 21<sup>st</sup> day of March, 2003.

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14 Paula Reddish Zinnemann  
Real Estate Commissioner

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16 BY: John R. Liberator  
17 Chief Deputy Commissioner  
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SAC

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Application of ) Case No. H-29722 LA  
 )  
 ) DAVID JOSEPH MARZOUK, ) OAH No. L-2002100713  
 )  
 )  
 \_\_\_\_\_ )  
 Respondent(s)

**FILED**  
 JAN 14 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 WEDNESDAY, MARCH 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: January 14, 2003

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

cc: David Joseph Marzouk  
 Peter L. Knecht, Esq.  
 Sacto.  
 OAH

Sacto  
OAH

FILED  
NOV 19 2002  
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \*

James B. Owen

In the Matter of the Application of ) Case No. H-29722 LA  
 ) L-2002100713  
DAVID JOSEPH MARZOUK, )  
 )  
 )  
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 **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 for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: November 19, 2002

DEPARTMENT OF REAL ESTATE

By: MARTHA J. ROSETT  
MARTHA J. ROSETT, Counsel

cc: David Joseph Marzouk  
Peter L. Knecht  
Sacto.  
OAH

*Sudo*

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

**FILED**  
OCT 10 2002  
DEPARTMENT OF REAL ESTATE

*Anna B. ...*

(213) 576-6982  
(213) 576-6914

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \*

In the Matter of the Application of )  
DAVID JOSEPH MARZOUK, )  
Respondent. )

No. H-29722 LA  
STATEMENT OF ISSUES

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for Statement of Issues against DAVID JOSEPH MARZOUK ("Respondent"), alleges in her official capacity as follows:

1.

On or about December 31, 2001, pursuant to the provisions of Section 10153.3 of the Business and Professions Code, Respondent made application to the Department of Real Estate of the State of California ("Department") for a real estate salesperson license with the knowledge and understanding that any license issued as a result of said application would be

1 subject to the provisions of Section 10153.4 of the Business and  
2 Professions Code (hereinafter, "Code").

3 2.

4 In response to Question 25 of said application, to wit:  
5 "Have you ever been convicted of any violation of law?",  
6 Respondent answered "Yes," and revealed one conviction in 1987.

7 3.

8 On or about August 3, 1987, in the United States  
9 District Court, Central District of California, in Case Number  
10 CR-87-377-RG, Respondent was convicted on his plea of guilty of  
11 violating 18 U.S.C 1341 and 2(b) (mail fraud; causing an act to be  
12 done), a crime of moral turpitude, substantially related to the  
13 qualifications, functions and duties of a real estate licensee.  
14 Respondent was sentenced to 75 days in prison and three years  
15 probation.

16 4.

17 On or about June 18, 1992, in the West Los Angeles  
18 Municipal Court, County of Los Angeles, State of California, in  
19 Case Number 92W01407, Respondent was convicted on his plea of  
20 nolo contendere to one count of violating Penal Code Section 415  
21 (disturbing the peace), a misdemeanor. Respondent was sentenced  
22 to 18 months summary probation, the terms and conditions of which  
23 included staying at least 20 feet away from Juan Soto, and which  
24 were subsequently modified to include that Respondent not use, or  
25 threaten to use, force or violence against Juan Pablo Soto, nor  
26 against Soto's employees, nor to cause his own employees to do  
27



1 so. These facts and circumstances indicate that the conviction  
2 was substantially related to the qualifications, functions or  
3 duties of a real estate licensee pursuant to Title 10, Chapter 6  
4 of the California Code of Regulations, Regulation 2910. This  
5 conviction was not disclosed in Respondent's application for a  
6 real estate salesperson license.

7 5.

8 On or about February 4, 1993, in the Los Angeles County  
9 Municipal Court, State of California, in Case Number 92V15389,  
10 Respondent was convicted on his plea of nolo contendere to  
11 violating Vehicle Code Section 23109(c) (unlawful exhibition of  
12 speed), a misdemeanor. Respondent was sentenced to three years  
13 probation, the terms of which included paying a \$240 fine and  
14 serving 114 hours of community service or 8 days of Cal Trans  
15 service. This conviction was not disclosed in Respondent's  
16 application for a real estate license.

17 6.

18 Respondent's convictions, as set forth in Paragraphs 3  
19 and 4, constitute grounds for denial of Respondent's application  
20 for a real estate license pursuant to Business and Professions  
21 Code Sections 480(a) and 10177(b).

22 7.

23 Respondent's failure to reveal the convictions set  
24 forth in Paragraphs 4 and 5 constitutes an attempt to procure a  
25 real estate license by misrepresentation or by making a material  
26 misstatement of fact in an application for a real estate license,  
27 and is grounds for denial of Respondent's application for a real

1 estate license pursuant to Business and Professions Code Sections  
2 480(c) and 10177(a).

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

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

13 Dated at Los Angeles, California  
14 this JH day of October 2002.

15  
16  
17   
18 Deputy Real Estate Commissioner

19  
20  
21  
22  
23  
24 cc: David Joseph Marzouk  
25 Sacto.  
26 Maria Suarez  
27 KA