MAR 27 2003
DEPARTMENT OF REAL ESTATE

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DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

In the Matter of the Application of)	No. H- 29722 LA
DAVID JOSEPH MARZOUK,)	L-2002100713
·)	STIPULATION AND
)	WAIVER
Respondent	١.	

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

RE 511B (Rev. 8/00) Commissioner has found that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted real estate salesperson license.

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

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

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

- 1. The license shall not confer any property right in the privileges to be exercised including the right of renewal, 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) to a crime which bears a substantial relationship 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, or conditions attaching to this restricted license.
- 2. I 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 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, I 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.
- My restricted real estate salesperson license is issued subject to the requirements of Section 10153.4 of the Business and Professions Code, to wit: I am required, within eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to the Commissioner of successful completion, at an accredited institution, of two of the courses listed in Section 10153.2, other than real estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced real estate appraisal. If I fail to timely present to the Department satisfactory evidence of successful completion of the two required courses, the restricted license shall be automatically suspended effective eighteen (18) months after the date of its issuance. Said suspension shall not be lifted unless, prior to the expiration of the restricted license, I have submitted the required evidence of course completion and the Commissioner has given written notice to me of the lifting of the suspension.
- 5. Pursuant to Section 10154, if I have not satisfied the requirements for an unqualified license under Section 10153.4, I shall not be entitled to renew the restricted license, and shall not be entitled to the issuance of another license which is subject to Section 10153.4 until four years after the date of the issuance of the preceding restricted license.

DATED this 3rd day of March

DATE TOSEPH MARZOUK, Respondent

(Rev. 8/00)

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 DAVID JOSEPH MARZOUK 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.

DATED this 21st day of March

_, 20<u>*03*</u>

Paula Reddish Zinnemann Real Estate Commissioner

3Y: John R. Liberator Chief Deputy Commissioner



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)

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PEPARTMENT 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 subpenss 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

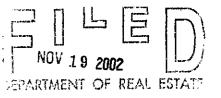
cc: David Joseph Marzouk

Peter L. Knecht, Esq.

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RE 500 (Rev. 8/97)





BEFORE THE DEPARTMENT OF REAL ESTATE STATE OF CALIFORNIA

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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 **IANUARY 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.

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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 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

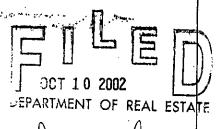
MARTHA J. ROSETT, Counse

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

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

(040) #74 700

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



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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Application of)

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DAVID JOSEPH MARZOUK,

STATEMENT OF ISSUES

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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:

Respondent.

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

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

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

3.

On or about August 3, 1987, in the United States

District Court, Central District of California, in Case Number

CR-87-377-RG, Respondent was convicted on his plea of guilty of

violating 18 U.S.C 1341 and 2(b) (mail fraud; causing an act to be

done), a crime of moral turpitude, substantially related to the

qualifications, functions and duties of a real estate licensee.

Respondent was sentenced to 75 days in prison and three years

probation.

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

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

5.

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

6.

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

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

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

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

wherefore, the Complainant prays that the aboveentitled matter be set for hearing and, upon proof of the charges
contained herein, that the Commissioner refuse to authorize the
issuance of, and deny the issuance of, a real estate salesperson
license to Respondent DAVID JOSEPH MARZOUK and for such other and
further relief as may be proper under the law.

Dated at Los Angeles, California this day of Ofober 2002.

Deputy Real Estate Commissioner

cc: David Joseph Marzouk

Sacto.

Maria Suarez

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