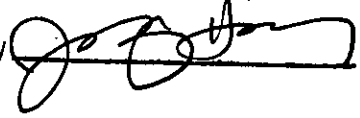


SAEED
FLA 67

Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982

FILED
MAR - 9 2004
DEPARTMENT OF REAL ESTATE
By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-30549 LA
)	
SAEED COHEN,	)
)	
Respondent.	)
)	<u>STIPULATION AND AGREEMENT</u>

It is hereby stipulated by and between SAEED COHEN (sometimes referred to herein as "Respondent") and his attorney of record, Harland W. Braun and the Complainant, acting by and through Mary E. Work, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation filed on December 5, 2003, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondent at a formal hearing on the Accusation, which hearing was to be held in accordance with the provisions of the Administrative Procedure Act ("APA"), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement ("Stipulation").

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions of the APA and
5 the Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On December 16, 2003, Respondent filed a Notice of
8 Defense pursuant to Section 11506 of the Government Code for the
9 purpose of requesting a hearing on the allegations in the
10 Accusation. Respondent hereby freely and voluntarily withdraws
11 said Notice of Defense. Respondent acknowledges that he
12 understands that by withdrawing said Notice of Defense,
13 Respondent will thereby waive his right to require the
14 Commissioner to prove the allegations in the Accusation at a
15 contested hearing held in accordance with the provisions of the
16 APA and that Respondent will waive other rights afforded to him
17 in connection with the hearing such as the right to present
18 evidence in defense of the allegations in the Accusation and the
19 right to cross-examine witnesses.

20 4. This Stipulation and Agreement ("Stipulation") is
21 based on the factual allegations contained in the Accusation
22 filed in this proceeding. In the interest of expedience and
23 economy, Respondent chooses not to contest these factual
24 allegations, but to remain silent and understands that, as a
25 result thereof, these factual statements, without being admitted
26 or denied, will serve as a prima facie basis for the disciplinary
27 action stipulated to herein. The Admissions herein and

1 Respondent's decision not to contest the Accusation are made
2 solely for the purpose of reaching an agreed disposition of this
3 proceeding, and are expressly limited to this proceeding and any
4 other proceeding or case in which the Department of Real Estate
5 or other licensing agency of this state, another state or the
6 federal government is involved, and shall not be admissible in
7 any other criminal or civil proceeding. The Real Estate
8 Commissioner shall not be required to provide further evidence to
9 prove such allegations.

10 5. It is understood by the parties that the Real
11 Estate Commissioner may adopt the Stipulation as his Decision in
12 this matter thereby imposing the penalty and sanctions on
13 Respondent's real estate license and license rights as set forth
14 in the below "Order". In the event the Commissioner, in his
15 discretion, does not adopt the Stipulation, it shall be void and
16 of no effect, and Respondent shall retain the right to a hearing
17 and proceeding on the Accusation under all the provisions of the
18 APA and shall not be bound by any admission or waiver made
19 herein.

20 6. This Stipulation and any Order made pursuant to
21 this Stipulation shall have no collateral estoppel or res
22 judicata effect in any proceedings in which Respondent and the
23 Department (or the Department's representative) are not parties.
24 This Stipulation is made and received by the Commissioner and the
25 Department, with the express understanding and agreement that it
26 is for the purpose of settling these proceedings only, and that
27 this Stipulation is not intended as, and shall not be deemed,

1 used, or accepted as an acknowledgment or admission of fact in
2 any other judicial, administrative, or other proceeding to which
3 the Department is not a party.

4 DETERMINATION OF ISSUES

5 By reason of the foregoing stipulations, admissions and
6 waivers and solely for the purpose of settlement of the pending
7 Accusation without a hearing, it is stipulated and agreed that
8 the following Determination of Issues shall be made: The conduct,
9 acts and/or omissions of Respondent, as set forth in Paragraph
10 III of the Accusation is grounds for suspension or revocation of
11 all of the real estate licenses and license rights of Respondent
12 under the provision of Sections 490 and 10177(b) of the Business
13 and Professions Code.

14 ORDER

15 WHEREFORE, THE FOLLOWING ORDER is hereby made:

16 All licenses and licensing rights of Respondent SAEED
17 COHEN under the Real Estate Law, are revoked; provided, however,
18 a restricted real estate broker license shall be issued to
19 Respondent pursuant to Section 10156.5 of Business and
20 Professions Code if Respondent makes application therefor and
21 pays to the Department of Real Estate the appropriate fee for
22 said restricted license within 90 days from the effective date of
23 this Decision. Said restricted broker license shall be suspended
24 unless and until Respondent provides proof satisfactory to the
25 Department that his probation, in the criminal matter that serves
26 as a basis for the within Accusation, has been terminated.
27

1 The restricted license issued to Respondent shall be
2 subject to all of the provisions of Section 10156.7 of the
3 Business and Professions Code and to the following limitations,
4 conditions and restrictions imposed under authority of Section
5 10156.6 of that Code:

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

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

17 3. Respondent shall not be eligible to apply for
18 issuance of an unrestricted real estate license nor for the
19 removal of any of the conditions, limitations or restrictions
20 of a restricted license until two (2) years have elapsed from the
21 effective date of issuance of this Decision.

22 4. Respondent shall within nine months from the
23 effective date of this Decision, present evidence satisfactory to
24 the Real Estate Commissioner that Respondent has, since the most
25 recent issuance of an original or renewal real estate license,
26 taken and successfully completed the continuing education
27 requirements of Article 2.5 of Chapter 3 of the Real Estate Law

1 for renewal of a real estate license. If Respondent fails to
2 satisfy this condition, the Commissioner may order the suspension
3 of the restricted license until the Respondent presents such
4 evidence. The Commissioner shall afford Respondent the
5 opportunity for a hearing pursuant to the Administrative
6 Procedure Act to present such evidence.

7
8 DATED: 2-17-04


9 MARY E. WORK, Counsel for
10 the Complainant, the Department
of Real Estate

11 * * *

12 I have read the Stipulation and Agreement in Settlement
13 and Order and its terms are understood by me and are agreeable
14 and acceptable to me. I understand that I am waiving rights
15 given to me by the California Administrative Procedure Act
16 (including but not limited to Sections 11506, 11508, 11509 and
17 11513 of the Government Code), and I willingly, intelligently and
18 voluntarily waive those rights, including the right of requiring
19 the Commissioner to prove the allegations in the Accusation at a
20 hearing at which I would have the right to cross-examine
21 witnesses against me and to present evidence in defense and
22 mitigation of the charges.

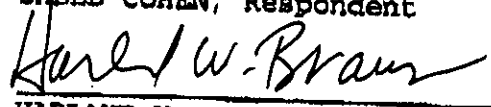
23 Respondent can signify acceptance and approval of the
24 terms and conditions of this Stipulation and Agreement by faxing
25 a copy of its signature page, as actually signed by Respondent,
26 to the Department at the following telephone/fax number: (213)
27 576-6917. Respondent agrees, acknowledges and understands that

1 by electronically sending to the Department a fax copy of his
2 actual signature as it appears on the Stipulation and Agreement,
3 that receipt of the faxed copy by the Department shall be binding
4 on Respondent as if the Department had received the original
5 signed Stipulation and Agreement.

6 DATED: 2/9/04


7 SAEED COHEN, Respondent

8 DATED: 2/9/04

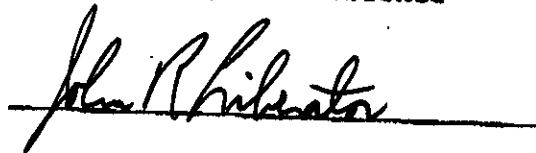

9 HARLAND W. BRAUN, Attorney for
10 Respondent

11 * * *

12 The foregoing Stipulation and Agreement is hereby
13 adopted as my Decision in this matter and shall become effective
14 at 12 o'clock noon on March 29, 2004

15 IT IS SO ORDERED March 3, 2004

16 JOHN R. LIBERATOR,
17 Chief Deputy Commissioner

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1 MARY E. WORK, Counsel
SBN 175887
2 Department of Real Estate
320 West 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone (213) 576-6982
5 -Direct- (213) 576-6916

FILED
DEC 5 2003

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

10 In the Matter of the Accusation of)
11)

12 SAEED COHEN,)

13 Respondent.)

No. H-30549 LA

ACCUSATION

14 The Complainant, Maria Suarez, a Deputy Real Estate
15 Commissioner of the State of California, for cause of Accusation
16 against SAEED COHEN, aka Saeed Kohan (hereinafter "Respondent"),
17 is informed and alleges as follows:

18 I

19 The Complainant, Maria Suarez, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation
21 against Respondent in her official capacity.

22 II

23 Respondent is presently licensed and/or has license
24 rights under the Real Estate Law, Part 1 of Division 4 of the
25 Business and Professions Code (hereinafter "Code") as a real
26 estate broker.
27

1 III

2 On or about August 24, 2001, before the Superior Court
3 of L.A. Superior - West Judicial District, County of Los Angeles,
4 State of California in Case No. SA039213, Respondent, upon his
5 plea of nolo contendere was convicted of violating Penal Section
6 245(a)(1) (Assault with a Deadly Weapon) a felony crime of moral
7 turpitude which are substantially related under Section 2910,
8 Title 10, Chapter 6, of the California Code of Regulations, to
9 the qualifications, functions or duties of a real estate
10 licensee. On or about May 2, 2003, the case was dismissed
11 pursuant to Section 1203.4 of the Penal Code.

12 IV

13 The facts set forth above constitute cause for under
14 Sections 490 and 10177(b) of the Code for the suspension or
15 revocation of all licenses and license rights of Respondent under
16 the Real Estate Law.

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18 ////

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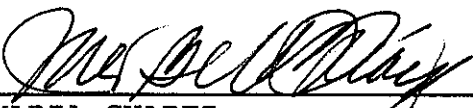
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof a decision be rendered imposing disciplinary action
4 against all licenses and license rights of Respondent SAEED COHEN
5 under the Real Estate Law (Part 1 of Division 4 of the Business
6 and Professions Code) and for such other and further relief as
7 may be proper under other provisions of law.

8
9
10 
11 MARIA SUAREZ
12 Deputy Real Estate Commissioner

13 Dated at Los Angeles, California,
14 this 3rd day of December, 2003.

15
16
17 cc: Saeed Cohen
18 Maria Suarez
19 SACTO
20 GD
21
22
23
24
25
26
27