

Jeff Davi

FILED
JUL 21 2005
DEPARTMENT OF REAL ESTATE

By *Laura B. Anne*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of	)	No. H-31027 LA
POOYA DAYANIM,	)	L-2004110233
	)	
	)	
Respondent(s).	)	

DECISION

The Proposed Decision dated June 15, 2005, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

This Decision shall become effective at 12 o'clock noon on AUG 10 2005.

IT IS SO ORDERED 7-20-05

JEFF DAVI
Real Estate Commissioner

Jeff Davi

**BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

POOYA DAYANIM,

Real Estate Broker License No. 01273250,

Respondent.

Case No. H-31027 LA

OAH No. L2004110233

PROPOSED DECISION

Robert S. Eisman, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California, on May 17, 2005.

Kelvin K. Lee, Real Estate Counsel, represented Maria Suarez (complainant).

Frank M. Buda, Attorney at Law, represented Pooya Dayanim (respondent). Respondent was also present at the hearing.

Upon the request of counsel for complainant, at the commencement of the administrative hearing, Accusation No. H-31027 LA was amended by strike out and interlineation, such that page 2, line 2, reads as follows: "On or about July 2, 2002" Respondent did not object to the amendment.

Sworn testimony and documentary evidence was received, the record was closed, and the matter submitted on May 17, 2005.

The issue in this proceeding is whether respondent's license as a real estate broker should be disciplined based on an act that resulted in the State Bar of California suspending his license to practice law.

The Administrative Law Judge makes the following factual findings, legal conclusions and order:

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///

FACTUAL FINDINGS

1. Complainant Maria Suarez filed the Accusation in her official capacity as a Deputy Real Estate Commissioner of the Department of Real Estate, State of California. (Complainant exhibit 1.)

2. The Department of Real Estate first licensed respondent, as a real estate broker, license number 01273250, on January 11, 2000. The license is currently active and will expire on April 5, 2008. (Complainant exhibit 3.)

3. On July 2, 2002, in the Supreme Court of California, in Case No. S106183, *In Re Pooya Danayim On Discipline*, the Court ordered that respondent be suspended from the practice of law for three (3) years, that execution be stayed, and that he be on probation for three years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law. Additionally, as conditions of probation, respondent was required to successfully complete the Multistate Professional Responsibility examination, pay restitution, and reimburse the State Bar for its prosecution of the matter. (Complainant exhibit 5.)

4. The facts and circumstances surrounding respondent's discipline by the State Bar of California that was approved by the State Bar Court¹ are as follows:

a. Respondent was born on December 23, 1973, in Iran and emigrated to the United States in January 1985. After graduating from law school in 1996, respondent took a part-time job translating affidavits from Farsi to English by Braham Tabatabai (Tabatabai), the Iranian office manager for a law firm

b. Respondent alleges that in November 1996, he discovered that Tabatabai was involved in criminal activities when he saw Tabatabai's brother-in-law forging an identification document. Respondent quit his job with Tabatabai the same day.

c. On February 17, 1997, respondent was admitted to the practice of law in California.

d. Respondent alleged that during 1997, he learned that Tabatabai was involved in asylum fraud and had a team of document forgers providing documents to people to illegally enter the United States and apply for asylum.

¹ Derived from the February 22, 2002, Stipulation As to Facts and Disposition, executed by respondent and the Deputy Trial Counsel for the State Bar in connection with its Case No. 01-C-01687. (Complainant exhibit 6; respondent exhibit J.)

e. In 1997, a multi-agency federal investigation was initiated to conduct surveillance of approximately 15 individuals who were believed to be providing false documents for visa and asylum applications. Although the primary target of the investigation was Tabatabai, an independent investigation focused on respondent.

f. Hojjat Azimi (Azimi) also worked for Tabatabai, where his duties included bringing in legal work and running errands. Respondent first met Azimi at Tabatabai's office. Respondent gave Azimi his business card and asked Azimi to contact him at his law office.

g. Unbeknownst to respondent and Tabatabai, Azimi was cooperating with the federal government in their investigation. The government monitored and recorded many conversations between respondent and Azimi.

h. In 1998 and 1999, respondent and Azimi had multiple face-to-face meetings and telephone conversations. Respondent alleged that in these meetings he made statements to Azimi that were untrue in order to convince Azimi that Azimi should refer immigration cases to him.

i. At their October 8, 1998 meeting, respondent made the following statements to Azimi, which respondent now alleges were not true:

(1) Respondent stated that he knew people who could prepare fraudulent documents to substantiate visa and asylum applications.

(2) Respondent stated that he would accept cases involving automobile insurance fraud.

(3) Respondent stated that he assisted in preparing 85 fraudulent asylum cases during the four months that he worked for Tabatabai in 1996.

j. On January 29, 1999, Azimi told respondent that Hamid Afshary, whom Azimi alleged to be the brother of a friend (but who was really a fictitious person), needed a visa to enter the United States.

Respondent told Azimi that he could provide Afshary with fraudulent documents indicating that he owned a home and had a substantial amount of money in a bank account to improve his chance of obtaining a visa. Respondent also stated that Afshary could be smuggled into the United States for \$15,000 over the border between the United States and Mexico. Respondent further stated that he could guarantee that a visa would be granted by paying a bribe to a friend, who was vice-consul in the U.S. Consulate in Istanbul, Turkey.

k. On February 8, 1999, respondent met with Azimi and made the following statements which respondent now alleges were not true:

(1) Respondent stated that he paid a \$5,000 bribe to a vice-consul in the U.S. Consulate to guarantee approval of a visa application.

(2) Respondent stated that he was trying to corrupt an employee of the U.S. Consulate in Istanbul, Turkey.

(3) Respondent stated that he had participated in the submission of fraudulent documents to the U.S. Consulate to support Seif's visa application.

l. Regarding Afshary, respondent stated that they would need to have a forger to prepare the fraudulent documents that Afshary would need to support his visa application. Respondent gave Azimi a memorandum that respondent had handwritten that listed the following fraudulent documents that Azimi should have the forger prepare: a property deed, documents evidencing a personal bank account and a letter from Afshary's employer showing that Afshary had an income of 300,000 toomans and was taking a three month vacation.

m. Respondent told Azimi to bring the fraudulent documents, the signed retainer agreement, funds in the amount of \$3,000, and a copy of Afshary's passport to their next meeting.

n. On March 5, 1999, respondent met with Azimi who gave respondent the following fraudulent documents prepared by the forger: a document from Ital Macaroni Limited Partnership certifying that Afshari had been working at that company as the General Manager since 1994, a deed of property in the name of Mr. Seyed Ahmad Razavi, a bank certificate in the name of Afshary, and Farsi language equivalents of the partnership agreement, deed of property and bank certificate.

o. On March 16, 1999, 16 people were arrested by the U.S. government for visa and asylum fraud perpetrated by Tabatabai and others. The next day, after respondent was informed by one of the individuals who had been arrested that Azimi was a confidential informant working for the federal government, respondent contacted federal law enforcement agents and told them that he wanted to cooperate with the investigation into visa and asylum fraud perpetrated by Tabatabai, et al.

p. On March 18, 1999, respondent met with federal law enforcement agents and provided them with copies of the fraudulent documents that he had accepted from Azimi on March 5, 1999 and offered to return the \$1,500 in government funds that Azimi had paid him.

q. On May 19, 2000, respondent was indicted by the United States in *United States of America v. Pooya Dayanim*, United States District Court, Central District of California, Case No. CR 00-538(A) – CAS. On December 6, 2000, the one count First Superseding Information was filed by the United States against respondent for knowingly possessing a false identification document with the intent that it be used to defraud the United States.

r. On December 13, 2000, respondent pled guilty to knowingly possessing a false identification document with the intent that it be used to defraud the United States.

s. On March 12, 2001, respondent was sentenced, *inter alia*, to two years formal probation and ordered to pay a fine of \$1,000 to the United States for violating 18 United States Code section 1028, subdivisions (a)(4) and (b)(6). The U.S. government did not require restitution of the \$1,500 that Azimi paid respondent as a part of his sentence.

t. Business and Professions Code section 6068 provides, in pertinent part, that "[i]t is the duty of an attorney to support the Constitution and laws of the United States and of this State."

u. Business and Professions Code section 6106 states:

"The commission of any act involving moral turpitude, dishonesty or corruption, whether the act is committed in the course of his relations as an attorney or otherwise, and whether the act is a felony or misdemeanor or not, constitutes a cause for disbarment or suspension.

"If the act constitutes a felony or misdemeanor, conviction thereof in a criminal proceeding is not a condition precedent to disbarment or suspension from practice therefor."

v. Based on the underlying conduct that resulted in respondent's conviction in the United States District Court, on July 31, 2001, the Review Department of the State Bar Court (Review Department) found that respondent willfully violated of Business and Professions Code section 6068, subdivision (a), and committed acts involving moral turpitude, dishonesty, or corruption in willful violation of Business and Professions Code section 6106. The Review Department ordered pursuant to Business and Professions Code section 6102 that respondent be suspended from the practice of law, effective August 31, 2001, pending final disposition of the proceeding. The effective date of the order was August 31, 2001.

w. On June 5, 2002, upon consideration of respondent's unopposed *ex parte* motion, the United State District Court ordered early termination of respondent's criminal probation (i.e., after completing approximately 15 months of probation). (Respondent exhibit C-1.)

x. On July 2, 2002, the California Supreme Court issued Order No. S106183, imposing the discipline recommended by the State Bar Court. (Complainant exhibit 5; respondent exhibit J.)

y. On October 29, 2003, the State Bar Court granted respondent's petition for relief and terminated respondent's actual suspension from the practice of law (i.e., after completing approximately 15 months of suspension) and permitted him to resume the practice of law, upon the payment of all applicable State Bar fees and previously assessed costs. Respondent's probation, however, does remain in effect until August 2005. (Complainant exhibit 4; respondent exhibit F.)

5. Circumstances in aggravation are not separately alleged as causes for discipline, but are considered when determining the degree of discipline, if any, which should be imposed on respondent.

In aggravation, on December 13, 2000, respondent was convicted on a plea of guilty of knowingly possessing a false identification document with the intent that it be used to defraud the United States, in violation of 18 United States Code section 1028, subdivisions (a)(4) and (b)(6), a misdemeanor. On March 12, 2001, Respondent was sentenced to two years formal probation and ordered to pay a fine of \$1,000 to the United States.

The facts and circumstances surrounding this conviction are set forth in Factual Finding 3.

6. Circumstances in mitigation are factors which do not excuse or justify respondent's conduct, but are considered out of mercy or fairness in determining the degree of discipline, if any, which should be imposed on respondent.

a. In mitigation, after respondent accepted the false documents from Azimi that he had requested and intended to submit to the U.S. government, he learned that Tabatabai and others were indicted by the government, and that he was also being investigated, respondent informed the Assistant United States Attorney and the lead FBI agent who were assigned the case that he wanted to cooperate.

The false document from Azimi was never filed, used, or submitted to any agency.

Despite the statements respondent made to Azimi, which were intended to gain Azimi's confidence in respondent's abilities, respondent was deemed to be only a peripheral participant in a scheme involving a minimum of 15 participants who were using false information to obtain visas. Respondent had been working for some of the individuals who were indicted, but his participation was limited to the single fraudulent bank statement from Azimi.

b. In further mitigation, respondent has had a positive influence in high-profile community / international humanitarian affairs.

(1) Respondent was involved in an international effort to save 13 Iranian Jews who had been imprisoned in Iran on charges of espionage for Israel and who faced the death penalty. Respondent lobbied members of congress, senators and the United States Department of State to intervene in their trial and obtain their freedom,

(2) During a trip to Israel in August 1999, respondent met with Israeli foreign ministry officials about the imprisoned Iranian Jews. When the Jews were convicted in 2000, respondent was quoted along with President Clinton and Prime Minister Barak in the *Los Angeles Times*. Respondent received a "Certificate of Special Congressional Recognition" for outstanding and invaluable service to the community from Representative Brad Sherman of California.

(3) Respondent was picked as the spokesperson and Director for Public Affairs by the Council of Iranian-American Jewish Organizations (CIAJO), an umbrella group covering Iranian Jewish Organizations in the United States. Respondent was picked in October 1999 by the Editorial Board of the *Los Angeles Jewish Journal* (a publication of the Jewish Federation of Los Angeles) as one of the 130 most powerful Jews in Los Angeles.

(4) From January 2001 to July 2001, Respondent worked as the Director of Public Affairs and then Executive Director of The Iranian-American Jewish Association (also known as the International Judea Foundation). While there, he helped publicize the case of an Iranian held in immigration detention for four years which culminated in the posting of a bond to obtain his release from detention.

7. Respondent offered credible testimony on his own behalf. He stated that he has been a successful real estate broker and that his involvement in real estate allows him to pay his bills while working essentially full-time as a community activist. Respondent finds that his involvement in real estate transactions is "easier" than practicing law. He derives 90% of his income from use of his broker's license, while the remaining 10% is derived from the practice of law.

Respondent stated that he has not been involved in any criminal activity other than the one instance for which he was convicted. He regrets the boastful statements he made to Azimi to enhance his own credibility and convince Azimi of his ability to engage in illegal activities. Respondent considers the specific instance of misconduct involving Azimi to be a personal failure.

Respondent has been a community activist since his early teens. He has been involved in numerous high-profile activities that resulted in his association with key federal executives and elected officials. Articles describing respondent's activities are at respondent exhibits B-1 through B-24.

8. As recognized by the State Bar, respondent has demonstrated a strong commitment to volunteer activities on behalf of the Iranian Jewish community, both on an international and local level. From late 1999 through February 2002, he served as the Director of Public Affairs for the Council of the Iranian American Jewish Organizations, and acted as a liaison for the Iranian American Jewish community and U.S. government officials. In November 2002, he founded the Iranian Jewish Public Affairs Committee (IJPAC), a nonprofit organization. IJPAC assists Iranian Jewish refugees, reports on anti-Semitic trends in Iran, fights hate crimes and supports the pro-democracy movement in Iran. Because of his work as an advocate and his involvement in Iranian Jewish organizations, he has been called upon frequently by the press to comment on current events involving Jewish interests in the Middle East and Iran.

In connection with his community service on behalf of the Iranian Jewish community, he has written widely-read articles. At the invitation of the editorial board of *The Politic*, Yale University's journal on politics, Petitioner wrote an article, "The Condition of Jews in Iran," which appeared in the March 2003 edition. His research on the conditions of Jews is regularly used by human rights organizations, religious freedom advocates and refugee rights proponents.

In July 2003, Petitioner was invited to speak to approximately 100 asylum officers in the Los Angeles office of the Immigration and Naturalization Service (INS) about the conditions of Jews in Iran and the condition of other religious minorities so that they can better evaluate the claims of asylum applicants to the United States.

Other evidence supporting respondent's good character is at respondent exhibits A-1, A-3, A-4, A-5, H-1, H-4, H-5, I-4, I-5, I-6, I-7 and I-10.

9. Several character witnesses presented credible testimony and supporting declarations on behalf of respondent.

a. Farah Faramarzi, an attorney, has known respondent since they attended college together. Ms. Faramarzi described respondent as a loyal, honest, and truthful person who sacrifices his time and effort to help others. (See declaration at respondent exhibit H-3.)

b. Edmond Nassirzadeh, an attorney and prior colleague of respondent, credibly described respondent as a caring, honest person who represented him in the purchase of property. He attested to the care that respondent exercises when evaluating properties. Mr. Nassirzadeh also noted respondent's involvement in numerous community activities, particularly those pertaining to helping Iranian Jews. (See declaration at respondent exhibit I-1.)

c. Farshad Jason Far-Hadian, also an attorney, has known respondent since they attended college together. Mr. Far-Hadian testified that respondent is honest and is not a threat to the public. (See letter at respondent exhibit H-2 and declaration / resume at respondent exhibits I-2 and I-3.)

d. Faryar Nikbakht-Hamadani is a real estate salesperson who has worked with respondent for the past 6-7 years. Mr. Nikbakht-Hamadani emphasized respondent's extensive community activities, which are very time consuming, dangerous, and for which respondent is not paid. He stated that respondent is intelligent, honest, and courageous, and that loss of respondent's real estate license could jeopardize his availability and ability to continue contributing to many humanitarian causes. (See declarations at respondent exhibits A-2 and I-9.)

LEGAL CONCLUSIONS

1. The standard of proof in this proceeding is "clear and convincing evidence to a reasonable certainty," meaning that complainant is obliged to adduce evidence that is clear, explicit, and unequivocal -- so clear as to leave no substantial doubt and sufficiently strong as to command the unhesitating assent of every reasonable mind. (*Ettinger v. Bd. of Med. Quality Assurance* (1982) 135 Cal.App.3d 853; *San Benito Foods v. Veneman* (1996) 50 Cal.App.4th 1889, 1893; *In Re Marriage of Weaver* (1990) 224 Cal.App.3d 478.)

2. Business and Professions Code section 10177, subdivision (f), states that the Real Estate Commissioner may suspend or revoke the license of a real estate licensee who has had a license issued by another agency of this State revoked or suspended for acts that, if done by a real estate licensee, would be grounds for the suspension or revocation of a California real estate license, provided that such action was taken only after giving the licensee or applicant fair notice of the charges, an opportunity for a hearing, and other due process protections.

3. The Supreme Court of California suspended respondent's license to practice law. (Factual Finding 3.)

4. Title 18 United States Code section 1028, subdivisions (a)(4) and (b) (6), provide that it is a misdemeanor offense to "knowingly possesses an identification document (other than one issued lawfully for the use of the possessor), authentication feature, or a false identification document, with the intent such document or feature be used to defraud the United States."

5. The cause for disciplinary action in this matter is the suspension of respondent's license to practice law based on acts that would be grounds for suspension or revocation of a real estate license. The effective date of suspension of respondent's right to

practice law, for the purpose of considering the statute of limitations imposed by Business of Professions Code section 10101, is July 2, 2002, the date the Supreme Court of California filed its order, *In Re Pooya Dayanim on Discipline*. The underlying act or conviction that resulted in the Supreme Court's order is not considered a separate cause for discipline. Therefore, consideration of the underlying act or conviction is not barred by the statute of limitations in Business and Professions Code section 10101. (Factual Finding 3.)

6. The Department of Real Estate has established criteria for rehabilitation from conviction of a crime to be considered in a disciplinary proceeding. The rehabilitation criteria are found at California Code of Regulations, title 10, section 2911.

Respondent successfully completed his period of criminal probation, from which he received early discharge. Although respondent is still on disciplinary probation with the State Bar, probation will terminate in approximately two months.

Respondent appears to have a stable family life; he still lives with his parents and is not married.

Respondent has also apparently learned his lesson with respect to business relationships and, as a result of the legal and administrative ordeals surrounding his single act of misconduct, he has changed his attitude.

Of special consideration is respondent's ongoing involvement in community and privately-sponsored programs.

Petitioner has taken responsibility for his misconduct, and paid his debt to society, as well as the legal profession. He has demonstrated a strong commitment to volunteer activities and, based on his demonstrated rehabilitation and fitness to practice law, the State Bar provided for early discharge from his actual probation.

Respondent has been deemed to have been rehabilitated by the State Bar of California. Since key duties and attributes of a real estate broker, such as honesty, integrity, and zealous client advocacy, are the same professional attributes expected of a licensed attorney, we must conclude that respondent has also been rehabilitated with respect to his licensure as a real estate broker.

7. The objective of a disciplinary proceeding is to protect the public, the licensed profession or occupation, maintain integrity, high standards, and preserve public confidence in real estate brokers.² The purpose of proceedings of this type is not to punish respondent. In particular, the statutes relating to real estate licenses are designed to protect

² *Camacho v. Youde* (1975) 95 Cal.App.3d 161, 165; *Clerici v. Department of Motor Vehicles* (1990) 224 Cal.App.3d 1016, 1030-1031; *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 816.

the public from any potential risk of harm.³ The law looks with favor upon those who have been properly reformed.⁴ To that end, respondent bears a burden to establish his reformation, against a singular act of misconduct involving a crime of moral turpitude that resulted in discipline being imposed on his license to practice law.

Although cause for discipline exists, respondent is not deemed to pose a significant threat to the public. When the whole record is considered, it is appropriate that discipline be imposed in the form of a probationary order that does not require actual revocation or suspension of respondent's licensing rights.

ORDER

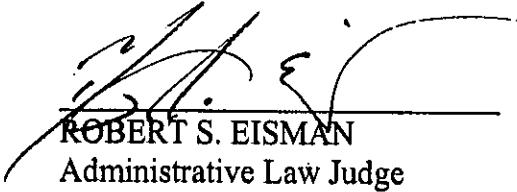
WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent Pooya Dayanim under the Real Estate Law are suspended for a period of ninety (90) days from the effective date of this Decision; provided, however, that all ninety (90) days of said suspension shall be stayed for one (1) year upon the following terms and conditions:

1. Respondent shall obey all laws, rules and regulations governing the rights, duties and responsibilities of a real estate licensee in the State of California; and

2. That no final subsequent determination be made, after hearing or upon stipulation, that cause for disciplinary action occurred within one (1) year of the effective date of this Decision. Should such a determination be made, the Commissioner of Real Estate may, in his discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed suspension. Should no such determination be made, the stay imposed herein shall become permanent.

DATED: June 15, 2005.


ROBERT S. EISMAN

Administrative Law Judge
Office of Administrative Hearings

³ *Lopez v. McMahon* (1988) 205 Cal.App.3d 1510, 1516; *Arneson v. Fox* (1980) 28 Cal.3d 440.

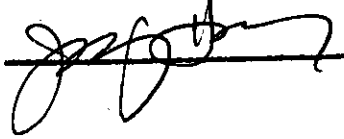
⁴ *Resner v. State Bar* (1967) 67 Cal.2d 799, 811.

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FILED
JUN 25 2004

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-31027 LA

POOYA DAYANIM,)

A C C U S A T I O N

Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against POOYA DAYANIM ("Respondent") alleges as follows:

I

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

II

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

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III

On or about July 31, 2002, in State Bar Court Case No. 01-C-01687, The Supreme Court of California, En Banc, in Case No. S106183, ordered the Respondent, POOYA DAYANIM, be suspended from the practice of law for three years, that execution of the suspension be stayed, and the Respondent be placed on probation for three years on condition, that Respondent be actually suspended for two years and until he had shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law. The State Bar of California actually suspended the Respondent's license to practice law from August 31, 2001 until November 15, 2003. Said discipline was based, in part, on the following conclusions of law:

1. Respondent violated Section 6106 of the Business and Professions Code when Respondent willfully committed acts involving moral turpitude, dishonesty, or corruption when he knowingly made and used a false document in order to aid and abet another person, and used forged documents to secure entry into the United States.

2. Respondent violated section 6068(a) of the Business and Professions Code when Respondent was found to knowingly possess a false identification document with the intent that it be used to defraud the United States.

IV

Respondent's discipline by the State Bar of California, as described in Paragraph III, constitutes cause

1 under Section 10177(f) of the Code for the suspension or
2 revocation of all license and license rights of Respondent under
3 the Real Estate Law.

4 V

5 Regarding the acts leading to the discipline described
6 above in Paragraph III(1), on or about January 29, 1999, a
7 government informant met with respondent seeking assistance in
8 securing a visa for a fictitious person to enter the United
9 States. Respondent told this informant that he could provide
10 the informant with fraudulent documents indicating that this
11 fictitious person owned a home and had a substantial amount of
12 money in a bank account in the United States to improve the
13 person's chance of obtaining a visa. Respondent also told the
14 informant that for \$15,000, he would arrange for the fictitious
15 person to be smuggled into the United States from Mexico.
16 Respondent further stated that he could guarantee that a visa
17 would be granted by paying a bribe to a friend who served as
18 vice-consul in the United States Consulate in Istanbul, Turkey.
19 On or around February 8, 1999, respondent again met with the
20 informant and stated that he had paid a \$5,000 bribe to a vice-
21 consul in the United States Consulate in Istanbul, Turkey to
22 guarantee approval of a visa application, that he was attempting
23 to corrupt an employee in the same Consulate, and that he had
24 participated in submitting fraudulent documents to the Consulate
25 to support the fictitious person's visa application. At that
26 time the respondent also gave the informant a memorandum listing
27 the following fraudulent documents that a forger should prepare:

1 a property deed, documents evidencing a personal bank account,
2 and a letter from the fictitious person's employer showing that
3 this person's salary and that this person was taking a three
4 month vacation. Respondent then told the informant to bring
5 these fraudulent documents, a signed retainer agreement, and
6 copy of the fictitious person's passport to their next meeting.
7 On or about March 5, 1999, the respondent met with the informant
8 and reviewed several fraudulent documents presented by the
9 informant, including a false partnership agreement, deed of
10 property and bank certificate. The respondent also requested
11 and received \$1,500 from the informant as partial payment for
12 preparing the fictitious person's visa application.

13 VI

14 Regarding the acts leading to the discipline described
15 above in Paragraph III(2), on or about March 17, 1999, after an
16 accomplice informed the Respondent that the individual meeting
17 with the respondent about illegally securing entry into the
18 United States for a fictitious person was actually a government
19 informant, the respondent initiated contact with Federal law
20 enforcement agents. The Respondent told the agents that he
21 wanted to cooperate with the investigation into visa and asylum
22 fraud perpetrated by several accomplices. On March 18, 2000, the
23 respondent provided federal agents with copies of the fraudulent
24 documents that he had accepted from the informant and offered to
25 return the \$1,500 that he had taken from the informant. On May
26 18, 2000, the respondent was indicted by the United States
27 District Court (Central District) on the following charges, 1)

1 knowingly making and using a false document in a matter
2 involving the executive branch; 2) knowingly aiding and abetting
3 another to use forged documents for entry into the United
4 States; and 3) knowingly possessing forged documents for entry
5 into the United States. On December 13, 2000, the respondent
6 pled guilty to knowingly possessing a false identification
7 document with the intent that it be used to defraud the United
8 States. On March 12, 2001, the respondent was sentenced to two
9 years formal probation and ordered to pay a fine of \$1,000 for
10 violating 18 United States Code section 1028(a)(4) and b(6).

11 VII

12 Respondent's actions as described in paragraphs V and
13 VI involved conduct which warranted suspension of his license to
14 practice law by the State Bar of California, and if done by a
15 real estate licensee, would have undoubtedly served as grounds
16 for the suspension or revocation of a California real estate
17 license. The State Bar of California suspended the Respondent's
18 license to practice law after giving him fair notice of the
19 charges, an opportunity for hearing, and other due process
20 protections he was entitled to under the Administrative
21 Procedure Act. Therefore, cause exists under Section 10177(f)
22 of the Business and Professions Code for the suspension or
23 revocation of all licenses and license rights of the Respondent
24 under the Real Estate law.

25 VIII

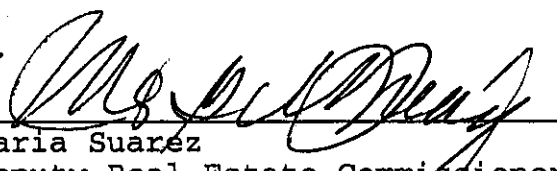
26 In aggravation of the above, on or about December 13,
27 2000, the respondent was convicted in the United States District

1 Court, Central District of California, of violating 18 United
2 States Code Section 1028, subdivisions (a)(4) and (b)(6)
3 (Knowingly Possessing a False Identification Document with the
4 Intent that it be used to Defraud the United States.)

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

13 Dated at Los Angeles, California

14 this 23rd day of June, 2004.

15 
16 Maria Suarez
Deputy Real Estate Commissioner

17 cc: POOYA DAYANIM
18 Maria Suarez
19 Sacto.
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