

Lucy J. [unclear]

FILED
AUG 16 2005
DEPARTMENT OF REAL ESTATE

1 ELLIOTT MAC LENNAN, SBN 66674
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6911 (direct)
6 -or- (213) 576-6982 (office)

By *R. Muderhals*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of)
12 AVI LIDGI,)
13 Respondent.)

No. H-32140LA

STATEMENT OF ISSUES

14
15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against AVI LIDGI (Respondent), is informed and alleges in her
18 official capacity as follows:

19 I

20 Respondent made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about December 1, 2003, subject to Section 10153.4
23 under the Real Estate Law (Part 1 of Division 4 of the California
24 Business and Professions Code) (Code).

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CRIMINAL CONVICTIONS

II

On or about April 12, 2002, in the United States District Court, Northern District of Ohio, in Case No. 1:01-CR552-001, Respondent was convicted of violating 18 U.S.C. 912 (Impersonating Officer or Employee of U.S.). This crime involves moral turpitude and is substantially related under Section 2910, Chapter 6, Title 10 of the California Code of Regulations, to the functions, duties and responsibilities of a real estate license.

III

The conviction alleged in Paragraph II, above, constitutes cause for the denial of Respondent's application for a real estate salesperson license under Code Sections 480(a) and/or 10177(b).

These proceedings are brought under the provisions of Section 10100, Division 4 of the California Business and Professions Code and Sections 11500 through 11529 of the California Government Code.

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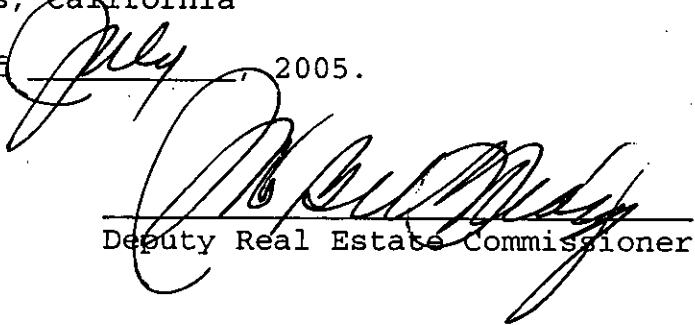
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1 WHEREFORE, the Complainant prays that above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Respondent, AVI LIDGI, and for such other and further
6 relief as may be proper under the law.

7 Dated at Los Angeles, California

8 this 25th day of July 2005.

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12 Deputy Real Estate Commissioner
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25 cc: Avi Lidgi
26 Maria Suarez
27 Sacto
MJ

FILED
DEC 22 2005
DEPARTMENT OF REAL ESTATE

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4
5 Telephone: (213) 576-6982

By K. Theodorholt

7 **DEPARTMENT OF REAL ESTATE**
8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*
11
12 AVI LIDGI,

)
) No. H- 32140 LA
) L-2005100111

)
) **STIPULATION AND**
) **WAIVER**

13 Respondent)
14)

15 It is hereby stipulated by and between AVI LIDGI (hereinafter "Respondent") and Respondent's
16 attorney, Mary E. Work, and the Complainant, acting by and through Elliott Mac Lennan, Counsel for the
17 Department of Real Estate, as follows for the purpose of settling and disposing of the Statement of Issues
18 filed on August 16, 2005, in this matter:

19 Respondent acknowledges that Respondent has received and read the Statement of Issues and the
20 Statement to Respondent filed by the Department of Real Estate in connection with Respondent's
21 application for a real estate salesperson license. Respondent understands that the Real Estate Commissioner
22 may hold a hearing on this Statement of Issues for the purpose of requiring further proof of Respondent's
23 honesty and truthfulness and to prove other allegations therein, or that he may in his discretion waive the
24 hearing and grant Respondent a restricted real estate salesperson license based upon this Stipulation and
25 Waiver. Respondent also understands that by filing the Statement of Issues in this matter the Real Estate
26 Commissioner is shifting the burden to Respondent to make a satisfactory showing that Respondent meets
27 all the requirements for issuance of a real estate salesperson license. Respondent further understands that by

1 entering into this stipulation and waiver, Respondent will be stipulating that the Real Estate Commissioner
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and
7 Professions Code.

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

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

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

1 3. With the application for license, or with the application for transfer to a new employing broker,

2 Respondent shall submit a statement signed by the prospective employing broker on a form
3 approved by the Department of Real Estate wherein the employing broker shall certify as
4 follows:

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

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

10 12-05-05
11 _____
12 Dated

10 _____
11 Elliott Mac Lennan, Counsel, Department of Real Estate

12 ***

13
14 I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are
15 understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me
16 by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509,
17 and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights,
18 including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine
19 witnesses against me and to present evidence in defense and mitigation of the charges.

20 Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and
21 Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at fax
22 number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending
23 to the Department a fax copy of his actual signature as it appears on the Stipulation and Waiver, that receipt
24 of the faxed copy by the Department shall be as binding on Respondent as if the Department had received
25 the original signed Stipulation and Waiver.

26 _____
27 Dated

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27 AVI LIDGI, Respondent

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- 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

ELLIOTT MAC LENNAN, Counsel, Department of Real Estate

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 fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his 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.

11-22-05

Dated

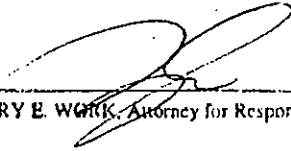


AVI LIDGI, Respondent

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

11-22-05
Dated



MARY E. WORK, 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 _____

Jeff Davi
Real Estate Commissioner

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

3 _____
4 Dated

MARY E. WORK, Attorney for Respondent

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

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

13 This Order is effective immediately.

14 IT IS SO ORDERED 12-13-05

15 _____
16 Jeff Davi
17 Real Estate Commissioner
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