

1 Department of Real Estate
320 W. 4th Street, Suite 350
2 Los Angeles, CA 90013-1105

3 Telephone: (213) 576-6982

FILED
DEC 22 2005
DEPARTMENT OF REAL ESTATE

By 

7 **DEPARTMENT OF REAL ESTATE**

8 **STATE OF CALIFORNIA**

9
10 *In the Matter of the Application of*

11 JAMAL AYED HADDAD,

13 Respondent

)
) No. H- 32161 LA
) L-2005090637

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

14
15 It is hereby stipulated by and between JAMAL AYED HADDAD (hereinafter "Respondent") and
16 Respondent's attorney, David B. Rosenberg, and the Complainant, acting by and through Darlene Averetta,
17 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the
18 Statement of Issues filed on September 1, 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 November 22, 2005

11 Dated

10 

11 DARLENE AVERETTA, Counsel, Department of Real Estate

12 * * *

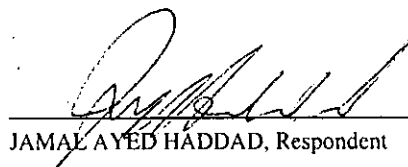
13

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 11-16-05

27 Dated

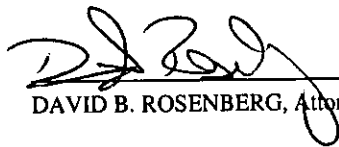
26 

JAMAL AYED HADDAD, Respondent

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

3 11.16.05

4 Dated



DAVID B. ROSENBERG, Attorney for Respondent

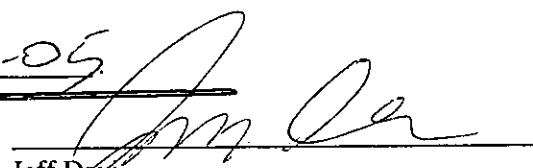
5 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
6 Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
7 truthfulness of Respondent need not be called and that it will not be inimical to the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



16 Jeff Davi
17 Real Estate Commissioner

Criminal Convictions

2.

1
2
3 On or about February 14, 2001, in the Superior Court of
4 California, County of Los Angeles, in Case No. MA018439,
5 Respondent was convicted of one count of violating Vehicle Code
6 Section 4463 (forging/altering vehicle registration), a felony
7 and crime of moral turpitude which is substantially related to
8 the qualifications, functions and duties of a real estate
9 licensee. Respondent was placed on formal probation for 5 years,
10 the terms and conditions of which included payment of fines. On
11 March 12, 2003, Respondent's probation was converted to summary
12 probation. On November 6, 2003, Respondent's conviction was
13 reduced to a misdemeanor, pursuant to Penal Code Section 17(b).
14 On May 11, 2004, Respondent's probation was terminated early.
15

3.

16
17 On or about October 20, 1995, in the Superior Court of
18 California, County of Los Angeles, in Case No. MA008339-01,
19 Respondent was convicted of one count of violating Penal Code
20 Section 502(c) (malicious and fraudulent use of computer system),
21 a crime of moral turpitude which is substantially related to the
22 qualifications, functions and duties of a real estate licensee.
23 Respondent was placed on summary probation for three years, the
24 terms and conditions of which included payment of a fine of
25 \$1,000.00 and not engaging in auto smog activity without a proper
26 license.
27

Department of Consumer Affairs, Bureau of Automotive Repair

4.

On October 7, 1994, the Director of Consumer Affairs issued smog check technician license number EU 622447 to Respondent. This license expired on December 31, 1996.

5.

On June 27, 1997, the Director of Consumer Affairs issued Advanced Emission Specialist Technician License Number EA 622447 to Respondent. At that same time, they revoked Respondent's license in proceeding number 79/95-48, stayed the revocation and placed Respondent on probation for two years under terms and conditions.

6.

On or about December 21, 2000, in Department of Consumer Affairs, Bureau of Automotive Affairs, Case No. 79/99-126, Respondent's Smog Technician-Advanced Emission Specialist license, number EA622447, was disciplined. The terms and conditions of previous probation were extended for three years, and Respondent was subjected to actual suspension for 90 days. The existing order of probation on Respondent's Automotive Repair Dealer Registration Number AJ 168921 was extended for three years. The existing order of probation on License Number RJ 168921, held by Respondent's business, "Smog Center", was extended for three years, with an additional 45 days suspension actually imposed. The grounds for discipline were violations of

1 Health and Safety Code Sections 44072.2(a), 44072.2(c) and
2 44072.2(d).

3 7.

4 Respondent's convictions, as set forth in Paragraphs 2
5 and 3 above, constitute grounds for denial of Respondent's
6 application for a real estate license pursuant to Code Sections
7 480(a) and/or 10177(b).

8 8.

9 The discipline of Respondent's Bureau of Automotive
10 Repair licenses, as set forth in Paragraphs 5 and 6 above,
11 constitute grounds for denial of Respondent's application for a
12 real estate license pursuant to Code Section 10177(f).

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

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

WHEREFORE, the Complainant prays that the above-entitled 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 JAMAL AYED HADDAD and for such other and further relief as may be proper under the law.

Dated at Los Angeles, California
this 29 day of August, 2005.



Deputy Real Estate Commissioner

cc: Jamal Ayed Haddad
BuyMe Home.com Inc./Waleed M. Khatib
Sacto.
Janice Waddell
LA