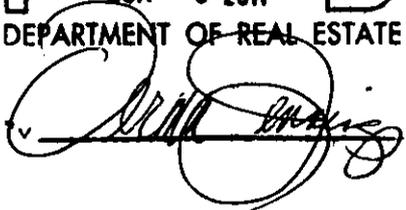


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DEPARTMENT OF REAL ESTATE



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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-33429 LA
)	
ALAEDIN TABATABAI,)	
)	
Respondent.)	

ORDER DENYING RECONSIDERATION

On March 23, 2011, an Order Denying Reinstatement of License was rendered. Said Order was to become effective May 9, 2011, but was stayed by separate order to June 8, 2011.

On May 15, 2011, Respondent petitioned for reconsideration of the Order of March 23, 2011.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of March 23, 2011, and reconsideration is hereby denied.

IT IS SO ORDERED 6/8/11

BARBARA J. BIGBY
Acting Real Estate Commissioner



See Page

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APR 18 2011
DEPARTMENT OF REAL ESTATE
By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
ALAEDIN TABATABAI
Respondent.

No. H-33429 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On June 20, 2007, a Decision was rendered herein revoking the real estate broker license of Respondent. In 2005, Respondent was convicted of violating 18 United States Code 371 (Conspiracy), and 18 United States Code 1343, 2 (Wire Fraud, Aiding and Abetting, Causing an Act to be Done), felonies.

The Decision granted Respondent the right to apply for a restricted salesperson license. A restricted salesperson license was issued to Respondent on July 16, 2007.

On January 25, 2010, Respondent petitioned for reinstatement of said real estate broker license. The Attorney General of the State of California has been given notice of the filing of said petition.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate

1 broker license at this time.

2 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
3 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
4 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
5 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

6 The Department has developed criteria in Section 2911 of Title 10, California
7 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
8 reinstatement of a license. Among the criteria relevant in this proceeding are:

9 Regulation 2911(a)—Passage of sufficient time to show rehabilitation

10 Given the violations found, additional time is needed to assess Respondent's
11 rehabilitation.

12 Pursuant to Regulation 2911 (a), I am not satisfied that Respondent is sufficiently
13 rehabilitated to receive a real estate broker license.

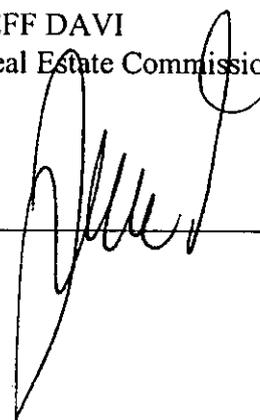
14 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
15 reinstatement of Respondent's real estate broker license is denied.

16 This Order shall become effective at 12 o'clock noon on MAY - 9 2011

17 IT IS SO ORDERED 3/23/2011

18 JEFF DAVI
19 Real Estate Commissioner

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FILED

JUN 25 2007

DEPARTMENT OF REAL ESTATE
BY: James B. Demus

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	DRE NO. H-33429 LA
)	OAH NO. L-2006120510
ALAEDIN TABATABAI,)	
)	
Respondent.)	
)	

STIPULATION AND SETTLEMENT

AND

DECISION AFTER REJECTION

The California Department of Real Estate ("Department") filed an Accusation against ALAEDIN TABATABAI ("Respondent") on November 16, 2006.

On March 6, 2007, a hearing was held before Mark E. Harman, Administrative Law Judge ("ALJ"), Office of Administrative Hearings, at Los Angeles, California. Department Counsel, James A. Demus, represented the Complainant. Respondent personally appeared at the hearing and was

1 represented by Mary E. Work, Attorney at Law. Oral and
2 documentary evidence was received, and the matter was submitted.

3 On April 5, 2007, the ALJ issued a Proposed Decision,
4 finding that although cause exists to revoke or suspend
5 Respondent's real estate broker's license, the evidence of
6 rehabilitation was sufficient so that the public interest would
7 adequately be protected with the issuance of a restricted
8 broker's license.

9 On May 7, 2007, the Commissioner rejected the Proposed
10 Decision, which was received by the Department on April 9, 2007.

11 The parties wish to settle this matter without further
12 proceedings.

13 IT IS HEREBY STIPULATED by and between Respondent,
14 acting by and through Mary E. Work, and the Department, acting
15 by and through James A. Demus, Counsel for the Department, as
16 follows for the purpose of settling and disposing of the
17 Statement of Issues filed by the Department.
18

19 1. It is understood by the parties that the Real
20 Estate Commissioner may adopt the Stipulation and Settlement
21 ("Stipulation") as his decision in this matter, thereby imposing
22 the penalty and sanctions on Respondent's application for a real
23 estate license as set forth in the below "Decision and Order".
24 In the event the Commissioner in his discretion does not adopt
25 the Stipulation, the Stipulation shall be void and of no effect;
26 the Commissioner will review the evidence in the case, and will
27

1 issue his Decision after Rejection as his Decision in this
2 matter..

3 2. By reason of the foregoing and solely for the
4 purpose of settlement of the Statement of Issues without further
5 administrative proceedings, it is stipulated and agreed that the
6 following shall be adopted as the Commissioner's Decision:

7 FACTUAL FINDINGS

8 The Factual Findings of the ALJ as set forth in the
9 Proposed Decision of April 5, 2007, are adopted as my factual
10 findings herein.

11 LEGAL CONCLUSIONS

12 The Legal Conclusions of the ALJ as set forth in the
13 Proposed Decision of April 5, 2007, are adopted as my factual
14 findings herein.

15 ORDER

16
17 All licenses and licensing rights of Respondent under
18 the Real Estate Law are revoked; provided, however, a
19 restricted real estate salesperson license shall be issued to
20 Respondent pursuant to Section 10156.5 of the Business and
21 Professions Code. The restricted license issued to the
22 Respondent shall be subject to all of the provisions of Section
23 10156.7 of the Business and Professions Code and to the
24 following limitations, conditions and restrictions imposed
25 under authority of Section 10156.6 of said Code:
26
27

1 1. The license shall not confer any property right in
2 the privileges to be exercised, and the Real Estate Commissioner
3 may by appropriate order suspend the right to exercise any
4 privileges granted under this restricted license in the event
5 of:

6 (a) The conviction of Respondent (including a plea of
7 nolo contendere) of a crime which is substantially related to
8 Respondent's fitness or capacity as a real estate licensee; or

9 (b) The receipt of evidence that Respondent has
10 violated provisions of the California Real Estate Law, the
11 Subdivided Lands Law, Regulations of the Real Estate
12 Commissioner or conditions attaching to this restricted license.

13 2. Respondent shall not be eligible to apply for the
14 issuance of an unrestricted real estate license nor the removal
15 of any of the conditions, limitations or restrictions attaching
16 to the restricted license until two (2) years have elapsed from
17 the date of issuance of the restricted license to Respondent.

18 3. With the application for license, or with the
19 application for transfer to a new employing broker, Respondent
20 shall submit a statement signed by the prospective employing
21 real estate broker on a form RE 552 approved by the Department
22 of Real Estate which shall certify as follows:

23 (a) That the employing broker has read the Decision
24 which is the basis for the issuance of the restricted license;
25 and

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(b) That the employing 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.

6/7/07
DATED

James A. Demus
JAMES A. DEMUS, Counsel
Department of Real Estate

* * *

I have read the Stipulation, reviewed it with my
counsel, and its terms are understood by me and are agreeable
and acceptable to me. I willingly and voluntarily agree to
enter into this Stipulation.

Respondent can signify acceptance and approval of the
terms and conditions of this Stipulation by faxing a copy of
the signature page, as actually signed by Respondent, to the
Department at the following 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, that receipt
of the fax copy by the Department shall be as binding on him as
if the Department had received the original signed Stipulation.

5/30/07
DATED

Alaedin Tabatabai
ALAEIN TABATABAI
Respondent

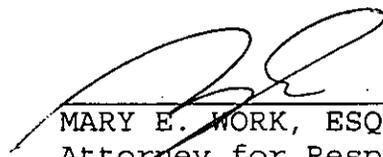
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5-30-07

DATED


MARY E. WORK, ESQ.
Attorney for Respondent

* * *

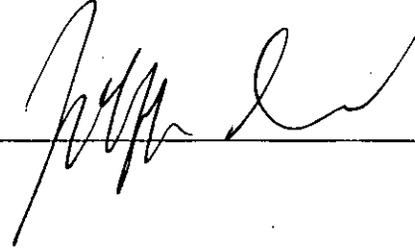
DECISION AND ORDER

The foregoing Stipulation and Settlement and Decision After Rejection is hereby adopted as my Decision in this matter.

This Decision shall become effective at 12 o'clock noon on JUL 16 2007, 2007.

IT IS SO ORDERED 6-20-07

JEFF DAVI
Real Estate Commissioner



FILED

MAY 09 2007

DEPARTMENT OF REAL ESTATE

BY: James B. Jones

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	No. H-33429 LA
)	
ALAEDIN TABATABAI,)	L-2006120510
)	
Respondent.)	

NOTICE

TO: ALAEDIN TABATABAI, Respondent, and MARY E. WORK, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated April 5, 2007, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated April 5, 2007, is attached for your information.

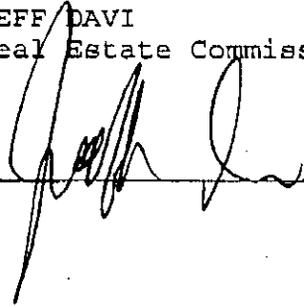
In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on March 6, 2007, and any written argument hereafter submitted on behalf of Respondent and Complainant.

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Written argument of Respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of March 6, 2007, at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

Written argument of Complainant to be considered by me must be submitted within 15 days after receipt of the argument of Respondent at the Los Angeles office of the Department of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 5/7/07

JEFF DAVI
Real Estate Commissioner


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

In the Matter of the Accusation of:

ALAEDIN TABATABAI,

Respondent.

Case No. H-33429 LA

OAH No. L2006120510

PROPOSED DECISION

This matter was heard by Mark E. Harman, Administrative Law Judge of the Office of Administrative Hearings, in Los Angeles, California, on March 6, 2007.

James A. Demus, Real Estate Counsel for the California Department of Real Estate (Department), represented Janice Waddell (Complainant).

Mary E. Work, Attorney at Law, represented Alaedin Tabatabai (Respondent).

Complainant seeks to discipline Respondent's broker's license based on his 2005 conviction for committing fraud in connection with an application for a mortgage loan guaranteed by the federal Department of Housing and Urban Development (HUD). Respondent does not seek to mitigate his misconduct, but to establish that he has met the Department's rehabilitation criteria warranting less than outright revocation of his license.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on March 6, 2007.

FACTUAL FINDINGS

1. Complainant, a Deputy Real Estate Commissioner, filed the Accusation in her official capacity on November 16, 2006. Respondent filed a Notice of Defense on December 4, 2006, and this matter ensued.

2. Respondent is presently licensed as a real estate broker under the Real Estate Law (Part 1 of Division 4 of the California Business and Professions Code¹), and has held such license since July 21, 1997. His license is due to expire on July 21, 2009. There is no record of prior discipline for this license.

¹ All further references are to the Business and Professions Code, unless specified otherwise.

3. Respondent immigrated to the United States from Iran when he was a teenager. He graduated from California State University, Dominguez Hills, with a bachelor's degree in business administration in 1984. He was a licensed real estate salesperson from 1986 until 1997. He was convicted for acts that occurred in 1996.

4a. On or about May 2, 2005, in the United States District Court, Central District of California, in case no. CR 02-1261-RSWL, Respondent was convicted, upon his plea of guilty, of violating Title 18 United States Code section 371 (Conspiracy), and Title 18 United States Code section 1343, 2 (Wire Fraud, Aiding and Abetting, Causing an Act to be Done). Both crimes are felonies that involve dishonesty and moral turpitude. Both crimes are substantially related to the qualifications, functions and duties of a real estate licensee.

4b. At Respondent's sentencing, the government asked for a downward departure from the penalty guidelines. The court committed him to supervised probation for three years on certain terms and conditions, including payment of a special assessment of \$200, payment of restitution to HUD in the amount of \$100,000, home detention for six months, payment of the costs of electronic monitoring at \$4.60 per day, community supervision, and restrictions on accepting employment in any position that requires licensure, or employment involving real estate sales or mortgage loans, without prior approval by his probation officer. Respondent paid the assessment and made full restitution in June 2005. The court granted early termination of his probation on May 12, 2006.

4c. The facts and circumstances surrounding Respondent's conviction are as follows. In 1995, Respondent began arranging loans for a certain real estate "investor." The investor generated a substantial amount of business for Respondent. In 1996, the investor requested Respondent to calculate the amount of income a borrower would need to qualify for a desired loan. In four instances, Respondent saw that these same figures had been used on the borrowers' W-2 forms that he was submitting along with their loan applications. Respondent knew these figures did not represent the borrowers' actual incomes, but he nevertheless submitted the applications to the lenders. In approximately 1997, Respondent became uncomfortable with these practices and discontinued his relationship with the "investor."

5. Respondent was contacted by FBI agents in 1998, after some borrowers defaulted and the lenders foreclosed on their properties. Respondent cooperated with the FBI, but the investigation went on for a long time. Respondent's plea agreement was finalized in 2002 and his indictment was filed in 2003. Respondent provided "substantial assistance" to the government. His cooperation may have created the delay between his entry of plea and sentencing. While he awaited the outcome of the investigation and prosecution, he negotiated an agreement with HUD, which barred him from making HUD-backed loans for three years, from February 14, 2003, until February 13, 2006.

6. Respondent is remorseful about his involvement in the criminal scheme. The lengthy investigation and prosecution of his criminal case created uncertainty in most areas

of his life and caused a great deal of stress. His wife filed for divorce in 2000, due in part to his situation, but they reconciled in 2001. She developed severe health problems, possibly related to the stress, which prevented her from working or caring for their two children. Respondent assumed responsibility for caring for his wife and their children, and maintaining their home. Respondent committed to work hard to support his family and to keep them together. He volunteered as a coach of his children's sports teams between 1998 and 2002, and has remained active in their daily lives.

7. The many difficulties of his situation forced him to close the brokerage business he had formed in 1997 and caused a loss of productivity in his other jobs. His family picked up and moved to Pennsylvania for a brief period of time, thinking that a new place might afford a new start in life. After criminal charges were filed, Respondent took out a loan on his home so he could make full restitution immediately upon his sentencing and move on with his life. This also created a financial hardship. After his sentencing, his probation officer allowed him to continue working as a loan officer for other companies, without interruption. Since then, he has been working both for his sister's mortgage loan brokerage and for a wholesale lender.

8. Respondent's wife, sister, brother-in-law, friend and associate each testified at the administrative hearing that Respondent is a better person now than before. He continues to maintain the family home while his wife is ill. He participates in charitable programs through his church and volunteers at his children's sporting events. He has taken required courses to maintain his license and improve his business. Respondent's license is very important to him, in order for him to care for his sick wife and to put his two teenage children through college. He is certain that his experience has taught him not to repeat the mistakes that led to his criminal conviction.

LEGAL CONCLUSIONS

1. Cause exists to revoke or suspend Respondent's real estate broker's license under Business and Professions Code 10177, subdivision (b), in conjunction with section 490, for convictions of crimes, as set forth in factual finding number 4a, 4b, and 4c. Each of the crimes is a felony involving moral turpitude, and which is substantially related to the qualifications, functions and duties of a real estate licensee.

2. It is well established that, since a real estate licensee often acts in a confidential and fiduciary capacity for his clientele, a real estate licensee must possess the qualifications of honesty and integrity. "The public exposing themselves to a real estate licensee has reason to believe that the licensee must have demonstrated a degree of honesty and integrity in order to have obtained such a license." (*Golde v. Fox* (1979) 98 Cal.App.3d 167, 177-178.) Respondent was involved in dishonest acts as evidenced by the record of his conviction. Respondent, however, does not seek to mitigate his misconduct, but to demonstrate his rehabilitation.

3. Criteria have been developed by the Department pursuant to Business and Professions Code section 482, subdivision (b), for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee. These criteria, found at California Code of Regulations, title 10, section 2912, are:

Subdivision (a) -- Passage of at least two years from the most recent criminal conviction that is "substantially related" to the qualifications, functions or duties of a licensee of the department. (A longer period will be required if there is a history of criminal convictions or acts substantially related to the qualifications, functions or duties of a licensee of the department.);

Subdivision (b) -- Restitution to any person who has suffered monetary losses through "substantially related" acts or omissions of the licensee;

Subdivision (c) -- Expungement of the conviction or convictions which culminated in the administrative proceeding to take disciplinary action;

Subdivision (d) -- Expungement or discontinuance of a requirement of registration pursuant to the provisions of Section 290 of the Penal Code;

Subdivision (e) -- Successful completion or early discharge from probation or parole;

Subdivision (f) -- Abstinence from the use of controlled substances or alcohol for not less than two years if the criminal conviction was attributable in part to the use of a controlled substance or alcohol;

Subdivision (g) -- Payment of any fine imposed in connection with the criminal conviction that is the basis for revocation or suspension of the license;

Subdivision (h) -- Correction of business practices responsible in some degree for the crime or crimes of which the licensee was convicted;

Subdivision (i) -- New and different social and business relationships from those which existed at the time of the commission of the acts that led to the criminal conviction or convictions in question;

Subdivision (j) -- Stability of family life and fulfillment of parental and familial responsibilities subsequent to the criminal conviction;

Subdivision (k) -- Completion of, or sustained enrollment in, formal educational or vocational training courses for economic self-improvement;

Subdivision (l) -- Significant and conscientious involvement in community, church or privately-sponsored programs designed to provide social benefits or to ameliorate social problems; and

Subdivision (m) -- Change in attitude from that which existed at the time of the commission of the criminal acts in question as evidenced by any or all of the following:

- (1) Testimony of the applicant;
- (2) Evidence from family members, friends or other persons familiar with the licensee's previous conduct and with subsequent attitudes and behavioral patterns;
- (3) Evidence from probation or parole officers or law enforcement officials competent to testify as to [licensee's] social adjustments;
- (4) Evidence from psychiatrists, clinical psychologists, sociologists or other persons competent to testify with regard to neuropsychiatric or emotional disturbances; and

(5) Absence of subsequent felony or misdemeanor convictions that are reflective of an inability to conform to societal rules when considered in light of the conduct in question.

4. Respondent has satisfied most of the applicable criteria of rehabilitation under section 2912. He has paid the criminal assessment and made restitution to the victim (subs. (b) & (g)). He was granted early termination of his probation (subd. (e)). Expungement (subd. (c)) is not available under federal criminal procedure. Early on, even before he was contacted by the FBI, he had discontinued his relationship with the investor who was a source of his problems; he now works a large part of the time under his sister's broker's license (subs. (h) & (i)). He has taken courses to improve his business (subd. (k)). He has a record of community service and has made a strong commitment to his family (subs. (l) & (j)). He has demonstrated a change in attitude (subd. (m)). Although only 23 months have passed since his conviction (subd. (a)), the acts that were the basis for his conviction occurred more than 10 years ago.

5. While Respondent's crimes are significant, and directly related to a licensed activity, there is little doubt Respondent has accepted responsibility for, and learned valuable lessons from, his misconduct. Based on all the circumstances, allowing Respondent to operate with a restricted license is sufficient means to assure protection of the public safety and interest.

ORDER

Not adopted

All licenses and licensing rights of Respondent, Alaedin Tabatabai, under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7 of the Business and Professions Code and to the following limitations, conditions and restrictions imposed under authority of Section 10156.6 of that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.

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

4. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: April 5, 2007

Mark E. Harman
MARK E. HARMAN
Administrative Law Judge
Office of Administrative Hearings

*not
adopted*

Sachs

JAMES DEMUS, Counsel (SBN 225005)
Department of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013-1105

Telephone: (213) 576-6982
(Direct) (213) 576-6910

FILED

NOV 16 2006

DEPARTMENT OF REAL ESTATE
BY: Samm B. Demus

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	No. H-33429 LA
ALAEDIN TABATABAI,)	<u>A C C U S A T I O N</u>
Respondent.)	

The Complainant, Janice Waddell, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ALAEDIN TABATABAI, ("Respondent") alleges as follows:

1.

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

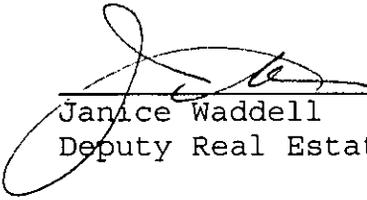
2.

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.

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
4 action against all the licenses and license rights of
5 Respondent, ALAEDIN TABATABAI, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 15 day of November, 2006.

11
12
13 
14 _____
15 Janice Waddell
16 Deputy Real Estate Commissioner
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24 cc: ALAEDIN TABATABAI
25 Janice Waddell
26 Sacto.
27