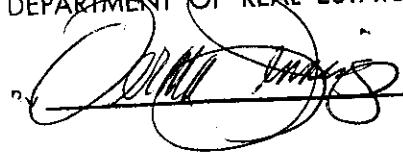


1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105

4 Telephone: (213) 576-6982

FILED
MAY - 2 2007
DEPARTMENT OF REAL ESTATE



8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of) No. H-33649 LA
12)

12 TAVIT BERGE TAVITIAN,)

13 Respondent.)

13 STIPULATION AND WAIVER

14 _____)
15 It is hereby stipulated by and between TAVIT BERGE
16 TAVITIAN (hereinafter "Respondent") and Respondent's attorney,
17 Gary K. Daglian, and the Complainant, acting by and through James
18 R. Peel, Counsel for the Department of Real Estate, as follows
19 for the purpose of settling and disposing of the Statement of
20 Issues filed January 22, 2007, in this matter:

21 Respondent acknowledges that Respondent has received
22 and read the Statement of Issues and the Statement to Respondent
23 filed by the Department of Real Estate in connection with
24 Respondent's application for a real estate salesperson license.
25 Respondent understands that the Real Estate Commissioner may hold
26 a hearing on this Statement of Issues for the purpose of
27 requiring further proof of Respondent's honesty and truthfulness

1 and to prove other allegations therein, or that he may in his
2 discretion waive the hearing and grant Respondent a restricted
3 real estate salesperson license based upon this Stipulation and
4 Waiver. Respondent also understands that by filing the Statement
5 of Issues in this matter the Real Estate Commissioner is shifting
6 the burden to Respondent to make a satisfactory showing that
7 Respondent meets all the requirements for issuance of a real
8 estate salesperson license. Respondent further understands that
9 by entering into this stipulation and waiver Respondent will be
10 stipulating that the Real Estate Commissioner has found that
11 Respondent has failed to make such a showing, thereby justifying
12 the denial of the issuance to Respondent of an unrestricted real
13 estate salesperson license.

14 Respondent hereby admits that the allegations contained
15 in Paragraphs I, II, III, IV and V of the Statement of Issues
16 filed against Respondent are true and correct and requests that
17 the Real Estate Commissioner in his discretion issue a restricted
18 real estate salesperson license to Respondent under the authority
19 of Section 10156.5 of the Business and Professions Code.
20 Respondent understands that any such restricted license will be
21 issued subject to and be limited by Section 10153.4 of the
22 Business and Professions Code.

23 Respondent is aware that by signing this Stipulation
24 and Waiver, Respondent is waiving Respondent's right to a hearing
25 and the opportunity to present evidence at the hearing to
26 establish Respondent's rehabilitation in order to obtain an
27 unrestricted real estate salesperson license if this Stipulation

1 and Waiver is accepted by the Real Estate Commissioner. However,
2 Respondent is not waiving Respondent's right to a hearing and to
3 further proceedings to obtain a restricted or unrestricted
4 license if this Stipulation and Waiver is not accepted by the
5 Commissioner.

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

10 1. The license shall not confer any property right in
11 the privileges to be exercised including the right
12 of renewal, and the Real Estate Commissioner may by
13 appropriate order suspend the right to exercise any
14 privileges granted under this restricted license in
15 the event of:

16 a. The conviction of Respondent (including a plea
17 of nolo contendere) to a crime which bears a
18 substantial relationship to Respondent's
19 fitness or capacity as a real estate licensee;
20 or

21 b. The receipt of evidence that Respondent has
22 violated provisions of the California Real
23 Estate Law, the Subdivided Lands Law,
24 Regulations of the Real Estate Commissioner, or
25 conditions attaching to this restricted
26 license.

27

- 1 2. Respondent shall not be eligible to apply for the
2 issuance of an unrestricted real estate license nor
3 the removal of any of the conditions, limitations
4 or restrictions attaching to the restricted license
5 until two years have elapsed from the date of
6 issuance of the restricted license to Respondent.
- 7 3. With the application for license, or with the
8 application for transfer to a new employing broker,
9 Respondent shall submit a statement signed by the
10 prospective employing broker on a form approved by
11 the Department of Real Estate wherein the employing
12 broker shall certify as follows:
- 13 a. That broker has read the Statement of Issues
14 which is the basis for the issuance of the
15 restricted license; and
- 16 b. That broker will carefully review all,
17 transaction documents prepared by the
18 restricted licensee and otherwise exercise
19 close supervision over the licensee's
20 performance of acts for which a license is
21 required.
- 22 4. Respondent's restricted real estate salesperson
23 license is issued subject to the requirements of
24 Section 10153.4 of the Business and Professions
25 Code, to wit: Respondent is required, within
26 eighteen (18) months of the issuance of the
27 restricted license, to submit evidence satisfactory

1 to the Commissioner of successful completion, at an
2 accredited institution, of a course in real estate
3 practices and one of the courses listed in Section
4 10153.2, other than real estate principles,
5 advanced legal aspects of real estate, advanced
6 real estate finance, or advanced real estate
7 appraisal. If Respondent fails to timely present to
8 the Department satisfactory evidence of successful
9 completion of the two required courses, the
10 restricted license shall be automatically suspended
11 effective eighteen (18) months after the date of
12 its issuance. Said suspension shall not be lifted
13 unless, prior to the expiration of the restricted
14 license, Respondent has submitted the required
15 evidence of course completion and the Commissioner
16 has given written notice to Respondent of the
17 lifting of the suspension.

- 18 5. Pursuant to Section 10154, if Respondent has not
19 satisfied the requirements for an unqualified
20 licensed under Section 10153.4, Respondent shall
21 not be entitled to renew the restricted license,
22 and shall not be entitled to the issuance of
23 another license which is subject to Section 10153.4
24 until four years after the date of the issuance of
25 the preceding restricted license.

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March 14, 2007
Dated

James R. Peel
JAMES R. PEEL, 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.

Sae

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED

JAN 22 2007

DEPARTMENT OF REAL ESTATE
BY: *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11	In the Matter of the Application of)	No. H-33649 LA
12	TAVIT BERGE TAVITIAN,)	<u>STATEMENT OF ISSUES</u>
13	Respondent.)	
14)	

15
16 The Complainant, Janice A. Waddell, a Deputy Real-
17 Estate Commissioner of the State of California, for Statement of
18 Issues against TAVIT BERGE TAVITIAN (Respondent) is informed and
19 alleges in her official capacity as follows:

20 I

21 On or about July 13, 2006, Respondent applied to the
22 Department of Real Estate of the State of California for a real
23 estate salesperson license with the knowledge and understanding
24 that any license issued as a result of that application would be
25 subject to the conditions of Section 10153.4 of the Business and
26 Professions Code (hereinafter Code).

1 II

2 In response to Question 25 of said application, to wit,
3 "Have you ever been convicted of any violation of law?",
4 Respondent answered "Yes", and disclosed a conviction on 3-30-01
5 in Los Angeles County, State of California, for violating Vehicle
6 Code Section 23103(a) (reckless driving).

7 III

8 On or about April 15, 1997, in the Municipal Court of
9 California for the County of Los Angeles, Respondent was
10 convicted of violating Penal Code Section 484E(a) (credit card
11 theft).

12 IV

13 The matter alleged in Paragraph III involves moral
14 turpitude and is substantially related to the duties, functions
15 and qualifications of a real estate licensee.

16 V

17 The matter alleged in Paragraph III is grounds to deny
18 Respondent's application under Sections 480(a)(1) and 10177(b) of
19 the California Business and Professions Code.

20 VI

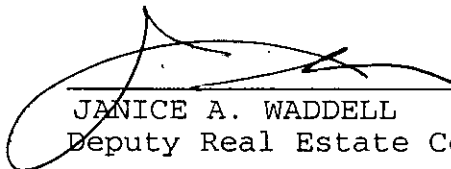
21 Respondent's failure to reveal the matter set forth in
22 Paragraph III in said application constitutes the attempt to
23 procure a real estate license by fraud, misrepresentation or
24 deceit, or by making a material misstatement of fact or knowingly
25 making a false statement of fact required to be revealed in said
26 application, which failure is cause for denying Respondent's
27

1 application for a real estate license under Sections 480(c) and
2 10177(a) of the Code.

3 The Statement of Issues is brought under the provisions
4 of Section 10100, Division 4 of the Business and Professions Code
5 of the State of California and Sections 11500 through 11528 of
6 the Government Code.

7 WHEREFORE, the Complainant prays that the above-
8 entitled matter be set for hearing and, upon proof of the charges
9 contained herein, that the Commissioner refuse to authorize the
10 issuance of, and deny the issuance of, a real estate salesperson
11 license to Respondent, TAVIT BERGE TAVITIAN, and for such other
12 and further relief as may be proper in the premises.

13 Dated at Los Angeles, California,
14 this 11 day of November, 2006.

15
16
17 
18 JANICE A. WADDELL
19 Deputy Real Estate Commissioner
20
21
22
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24
25
26
27

cc: Tavit Berge Tavitian
Janice A. Waddell
Sacto.