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BEFORE THE DEPARTMENT OF REAL ESTATE

FILED

STATE OF CALIFORNIA

AUG 24 2012

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DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of)

SIAVASH STEVEN SEYFI,)

Respondent.)

No. H-37630 LA
2011120973

DECISION

The Proposed Decision dated July 16, 2012, 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.

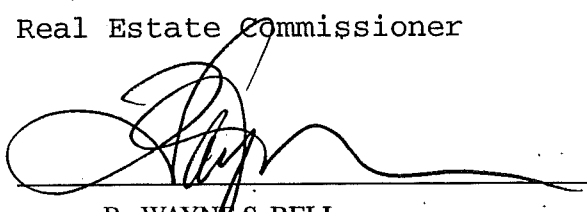
The Decision suspends or revokes one or more real estate licenses, but the right to a restricted license is granted to Respondent.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

This Decision shall become effective at 12 o'clock noon on September 13, 2012.

IT IS SO ORDERED

Real Estate Commissioner

By  S. BELL
Chief Counsel

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

SIAVASH STEVEN SEYFI,

Respondent.

Case No. H-37630 LA

OAH No. 2011120973

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on May 10, 2012.

Julie L. To, Staff Counsel represented Robin Trujillo (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Siavash Steven Seyfi (Respondent) was present and represented himself.

Oral and documentary evidence was received, and the matter argued.

The record was left open to permit the parties to file additional points and authorities.

On June 27, 2012, Respondent filed four letters of reference. The letters are marked as Respondent's Exhibit B and received in evidence as administrative hearsay.

The case was submitted for decision on June 30, 2012.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding 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. His broker license expires on July 30, 2012, unless renewed.

3. On February 14, 2005, Respondent made application for a real estate sales person license and did not disclose an October 5, 1990 conviction for violation of Penal Code section 148.9, false identification to a police officer, a misdemeanor. This conviction arose out of Respondent being stopped for questioning at a Malibu beach. According to Respondent, the police officer misunderstood Respondent's pronunciation of his name. Respondent also asserted, without verification, that the conviction has been expunged. A statement of issues was filed by the Department in Case No. H-32840 LA and a hearing was held before an Administrative Law Judge on August 7, 2006. On November 17, 2006, Respondent's salesperson license application was denied. Respondent was subsequently granted a real estate broker's license on July 31, 2008. Respondent was granted his broker's license by the Department without a hearing.

4. On January 13, 2010, in the California Superior Court, County of Los Angeles, in case no. 9LG05550, Respondent, upon his nolo contendere plea, was convicted of violating Penal Code section 273.6, subdivision (a), knowing violation of a court order to prevent domestic violence, a misdemeanor. The court suspended the imposition of sentence and placed Respondent on summary probation for a period of 3 years upon certain terms and conditions including paying fines and fees of \$1,360.00 and not molesting annoying vexing, harassing, harming or striking Jeffrey Longbottom, Jacqueline Longbottom, or Jenna Longbottom. Respondent has paid the fine and fees. The parties stipulated, in the injunctive portion of the proceeding, that any alleged violation of probation must be supported by independent corroborative evidence, not based solely upon testimony of the victims/protected persons. Respondent has paid the monetary amount specified by the court. Respondent remains on probation until January 13, 2013.

5. The January 13th court order resulted from Respondent parking his automobile too close to the Longbottom residence in violation of a protective order previously issued by the court. Respondent was 1 ½ feet too close to the Longbottom property. According to Respondent this was the only place he could park because all other parking spaces were occupied as a result of a community event.

6. Respondent and the Longbottoms are neighbors. They live across the street from each other. Respondent stated that at the time he moved in, in 2004, his house was in poor repair due to the neglect of the prior owner. The Longbottom's dogs frequented Respondent's property and used Respondent's yard as a bathroom. Respondent and his wife objected to the Longbottom's about the use, even writing a letter to them. This confrontation escalated. It became very emotional and resulted in the Longbottom's obtaining restraining orders against Respondent. In addition, Respondent and his wife surrendered their guns to the local police. It should be noted however that no gun was ever fired. Since the latest protective order in June 2009, there have been no further confrontations between Respondent's family and the Longbottom's. This controversy has been going on for the past eight years.

7. Respondent has no other criminal convictions.

8. Respondent owns a small real estate business. In addition, he holds a general contracting license from the State of California. He uses the contracting license only for his own development projects.

9. Respondent has a Bachelor of Science degree in electrical engineering.

10. Respondent has been married for eight years. He and his wife have two children ages seven and five years. Respondent is a member of the communications committee at the church his family attends.

11. Respondent submitted four letters of reference. They were from persons who have known him for twenty eight years, ten years, twenty five years and one year. All gave him highest praise as a dedicated professional and trusted friend. One letter notes his work on the communications committee at Holy Trinity Church in San Pedro. None discussed his problem with his neighbor, however.

LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent's criminal conviction set forth in Factual Findings 3 through 6 is substantially related to the qualifications, functions and duties of a licensee of the Department within the meaning of Business and Professions Code sections 490 and 10177, subdivision (a), as more specifically set forth in California Code of Regulations, title 10, section 2910, subdivision: (9), in that it involved contempt of court or willful failure to comply with a court order. Cause exists pursuant to the provisions of Business and Professions Code sections 490 and 10177, subdivision (a), to suspend or revoke the license and license rights of Respondent under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) by virtue of Respondent's criminal convictions set forth in Factual Findings 3 through 6.

3. The Department, in California Code of Regulations, title 10, section 2912, has adopted criteria for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for the revocation or suspension of the license has been initiated on account of a crime committed by the licensee. Two years are required to have past from the time of Respondent's latest criminal conviction. In the present case it has been two years since Respondent's conviction. Respondent has paid the amounts assessed by the court. There has been no recurrence of any problems between Respondent and his neighbors. There have been no injuries or property damage as a result of the dispute between the neighbors. Respondent remains on summary probation until January 2013, however.

ORDER

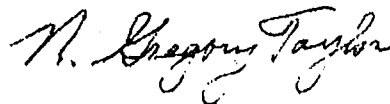
All licenses and licensing rights of Respondent Siavash Steve Seyfi under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefore 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 the 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: July 16, 2012.

N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings