

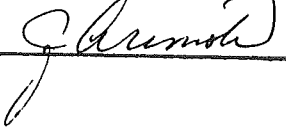
1 Bureau of Real Estate  
2 320 West 4th Street, Suite 350  
3 Los Angeles, CA 90013-1105

4 (213)576-6982

**FILED**

APR 10 2014

BUREAU OF REAL ESTATE

By 

8 BEFORE THE BUREAU OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of	)	No. H-38921 LA
	)	
12 SARHAN MHENI,	)	<u>STIPULATION AND AGREEMENT</u>
	)	
13 Respondent.	)	
	)	

15 It is hereby stipulated by and between SARHAN MHENI ("Respondent"), his  
16 attorney of record, Ruzanna Poghosyan of Law Office of Ruzanna Poghosyan, and the  
17 Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate,  
18 as follows for the purpose of settling and disposing of the Accusation filed on or about June 24,  
19 2013, in this matter:

20 1. All issues which were to be contested and all evidence which was to be  
21 presented by Complainant and Respondent at a formal hearing on the Accusation, which  
22 hearing was to be held in accordance with the provisions of the Administrative Procedure Act  
23 (APA), shall instead and in place thereof be submitted solely on the basis of the provisions of  
24 this Stipulation and Agreement.

25 2. Respondent has received, read and understands the Statement to Respondent,  
26 the Discovery Provisions of the APA and the Accusation filed by the Bureau of Real Estate in  
27

1 this proceeding.

2                   3. On August 22, 2013, the Bureau of Real Estate received Respondent's Notice  
3 of Defense pursuant to Section 11506 of the Government Code for the purpose of requesting a  
4 hearing on the allegations in the Accusation. Respondent hereby freely and voluntarily  
5 withdraws said Notice of Defense. Respondent acknowledges that he understands that by  
6 withdrawing said Notice of Defense he will thereby waive his right to require the  
7 Commissioner to prove the allegations in the Accusation at a contested hearing held in  
8 accordance with the provisions of the APA and that he will waive other rights afforded to him  
9 in connection with the hearing such as the right to present evidence in defense of the allegations  
10 in the Accusation and the right to cross-examine witnesses.

11                   4. Respondent, pursuant to the limitations set forth below, hereby admits that  
12 the factual allegations (or findings of fact as set forth below) in Paragraphs 2, and 3, of the  
13 Accusation filed in this proceeding are true and correct such that the Real Estate Commissioner  
14 shall not be required to provide further evidence of such allegations.

15                   5. It is understood by the parties that the Real Estate Commissioner may adopt  
16 the Stipulation and Agreement as his Decision in this matter, thereby imposing the penalty and  
17 sanctions on Respondent's real estate license and license rights as set forth in the below  
18 "Order". In the event that the Commissioner in his discretion does not adopt the Stipulation  
19 and Agreement, it shall be void and of no effect, and Respondent shall retain the right to a  
20 hearing and proceeding on the Accusation under all the provisions of the APA and shall not be  
21 bound by any admission or waiver made herein.

22                   6. The Order or any subsequent Order of the Real Estate Commissioner made  
23 pursuant to this Stipulation and Agreement shall not constitute an estoppel, merger or bar to any  
24 further administrative or civil proceedings by the Bureau of Real Estate with respect to any  
25 matters which were not specifically alleged to be causes for accusation in this proceeding.

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DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following determination of issues shall be made:

The conduct of Respondent, as described in the Accusation is grounds for the suspension or revocation of all of the real estate licenses and license rights of Respondent under the provision of Sections 490 and 10177(b) of the California Business and Professions Code.

ORDER

All licenses and licensing rights of Respondent SARHAN MHENI under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson 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 Bureau 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.

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1                   3. Respondent shall not be eligible to apply for the issuance of an unrestricted  
2 real estate license nor for the removal of any of the conditions, limitations or restrictions of a  
3 restricted license until two (2) years have elapsed from the effective date of this Decision.

4                   4. Respondent shall submit with any application for license under an employing  
5 broker, or any application for transfer to a new employing broker, a statement signed by the  
6 prospective employing real estate broker on a form approved by the Bureau of Real Estate  
7 which shall certify:

8                   (a) That the employing broker has read the Decision of the Commissioner which  
9 granted the right to a restricted license; and

10                   (b) That the employing broker will exercise close supervision over the  
11 performance by the restricted licensee relating to activities for which a real estate license  
12 is required.

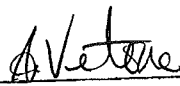
13                   5. Respondent shall, within nine months from the effective date of this  
14 Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has,  
15 since the most recent issuance of an original or renewal real estate license, taken and  
16 successfully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

22                   6. Respondent shall notify the Commissioner in writing within 72 hours of any  
23 arrest by sending a certified letter to the Commissioner at Bureau of Real Estate, Post Office  
24 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's  
25 arrest, the crime for which Respondent was arrested, and the name and address of the arresting  
26 law enforcement agency. Respondent's failure to timely file written notice shall constitute an  
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1 independent violation of the terms of the restricted license and shall be grounds for the  
2 suspension or revocation of that license.

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DATED: 2-7-14

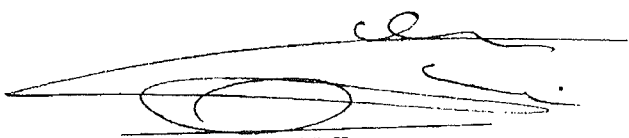
  
Amelia V. Vetrone  
Counsel for the  
Bureau of Real Estate

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I have read the Stipulation and Agreement, 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 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

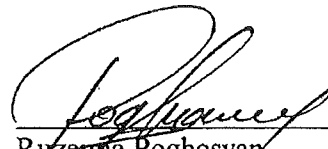
Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at the following telephone/fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of her actual signature as it appears on the Stipulation and Agreement, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Agreement.

DATED: 02/06/14

  
SARHAN MHENI  
Respondent

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

3  
4 DATED: 02/06/14

5   
6 Ruzanna Poghosyan  
7 Attorney for Respondent

8  
9 \* \* \*

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11 The foregoing Stipulation and Agreement is hereby adopted as my Decision in  
12 this matter, and shall become effective at 12 o'clock noon on MAY 01 2014.

13 IT IS SO ORDERED APR 08 2014

14  
15 Real Estate Commissioner  
16   
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18  
19 By: JEFFREY MASON  
20 Chief Deputy Commissioner