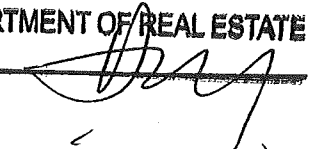


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FILED

MARTHA J. ROSETT, Counsel (SBN 142072)
Bureau of Real Estate
320 West Fourth St. #350
Los Angeles, CA 90013

JAN 14 2014

DEPARTMENT OF REAL ESTATE
BY: 

(213) 576-6982
(213) 620-6430

BEFORE THE BUREAU¹ OF REAL ESTATE
STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	No. H-39268 LA
	)	
MOHAMED REZA BEIHAGHI, individually and as	)	<u>A C C U S A T I O N</u>
designated broker-officer of Source One	)	
Investment, Inc.; and SOURCE ONE	)	
INVESTMENT, INC., dba Coldwell Banker Source	)	
One Realty, a corporate real estate broker;	)	
	)	
Respondents.	)	

The Complainant, Maria Suarez, a Deputy Real Estate Commissioner, for cause of Accusation against MOHAMED REZA BEIHAGHI, individually and as designated broker-officer of Source One Investment, Inc., and SOURCE ONE INVESTMENT, INC., dba Coldwell Banker Source One Realty, a corporate real estate broker; is informed and alleges as follows:

1.

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

¹ Effective July 1, 2013, the Bureau of Real Estate became the Bureau of Real Estate, Bureau of Consumer Affairs ("Bureau"). References to the agency herein will be to the successor entity, the Bureau.

2.

Respondent MOHAMED REZA BEIHAGHI ("BEIHAGHI") is licensed by the Bureau of Real Estate ("Bureau") as a real estate broker. BEIHAGHI was originally licensed by the Bureau as a broker in 1989, and was licensed as a salesperson prior to that time.

3.

Respondent SOURCE ONE INVESTMENT, INC., dba Coldwell Banker Source One Realty ("SOURCE ONE") was a California corporation formed in 2005 and dissolved in 2013.

4.

Respondent SOURCE ONE has license rights under the Real Estate Law as a corporate real estate broker. SOURCE ONE was originally licensed as a corporate real estate broker on July 13, 2005. SOURCE ONE's license expired on August 27, 2013, and it retains rights to renewal pursuant to Business and Professions Code ("Code") Section 10103. Respondent BEIHAGHI was the broker-officer designated pursuant to Code Section 10159.2 to be responsible for ensuring SOURCE ONE's compliance with the Real Estate Law.

5.

Respondent BEIHAGHI's real estate broker license was previously disciplined.

(a) In 1998, in Case No. H-27561 LA, Respondent BEIHAGHI's real broker license was suspended for two years, and paid a penalty in lieu of an actual suspension.

(b) In 2000, in Case No. 28139 LA, Respondent BEIHAGHI's real estate broker license was revoked, with a right to a restricted broker license. The restricted broker license granted was then suspended for thirty days, again with payment of a penalty in lieu of actual suspension.

1 (c) Respondent's broker license was reinstated in 2008.

2 6.

3 Eduardo Razo Del Rosario ("Del Rosario") was licensed as a real estate
4 salesperson. Del Rosario was originally licensed as a real estate salesperson in 1989. Del
5 Rosario's salesperson license expired on December 26, 2009, and was not renewed. Effective
6 August 3, 2011, in Case No. H-37174 LA, Respondent Del Rosario's real estate salesperson
7 license was revoked.

8 7.

9 All further references to "Respondents" include the parties listed in Paragraphs 2
10 and 3 above, as well as the officers, agents, affiliates and employees of the parties listed in
11 Paragraphs 2 and 3 acting within the course and scope of their employment and/or agency.

12 8.

13 At all times relevant herein, Respondents engaged in the business of, acted in the
14 capacity of, advertised or assumed to act as real estate brokers in the State of California within
15 the meaning of Code Sections 10131(b). Their activities included representing owners of rental
16 property and collecting rents and/or performing property management services for owners of
17 rental property.

18 9.

19 On or before January 20, 2011, Respondents entered into a lease listing agreement
20 with the owner of rental property located on Camino Real in Redondo Beach, CA ("Camino Real
21 Property").

22 10.

23 In February of 2011, Respondents posted an advertisement soliciting tenants for
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1 the rental of the Camino Real Property. Tenant Thelma M. ("Tenant") contacted Del Rosario at
2 the number provided, and met with him first at the rental property and then, on a subsequent
3 occasion, at Respondents' offices.

4 11.

5 Tenant signed a rental agreement provided by Del Rosario which included
6 Respondents' information as the listing firm. Tenant paid a \$25.00 credit report fee, a \$3,000.00
7 security deposit, and one month's rent of \$2350.00 directly to Del Rosario.

8 12.

9 Respondents did not forward the rental money or deposit to the owner, and did
10 not place the money into a trust account. Respondents did not maintain columnar records of trust
11 funds (security deposit and rent) received on behalf of the owners of the Camino Real Property.
12

13 13.

14 Respondent BEIHAGHI allowed Del Rosario to continue to work and engage in
15 activities requiring a real estate license after he knew that Del Rosario's license had expired in
16 December 2009. Respondent BEIHAGHI, as the designated broker-officer of SOURCE ONE,
17 failed to have adequate policies and procedures in place to ensure that all employees conducting
18 licensed activities, including handling trust funds, were properly licensed. In addition,
19 Respondent BEIHAGHI failed to have adequate policies and procedures in place for ensuring
20 compliance with trust fund handling rules and regulations under the Real Estate Law.
21

22 14.

23 Grounds exist to revoke or suspend the real estate licenses of Respondents
24 BEIHAGHI and SOURCE ONE pursuant to Business and Professions Code ("Code") Sections
25 10145(c), 10177(d) and/or 10177(g), and Title 10, Chapter 6 of the California Code of
26
27

1 Regulations ("Regulations"), Regulation 2832 and Regulation 2831 for receiving trust funds in
2 the form of a security deposit and rent from a tenant and failing to deposit same into a trust
3 account or forward to the principal.

4 15.

5 Grounds exist to revoke or suspend the real estate broker licenses of Respondent
6 SOURCE ONE and Respondent BEIHAGHI pursuant to Code Sections 10130, 10137, 10177(d)
7 and/or 10177(g) for compensating unlicensed agent Del Rosario for activities requiring a real
8 estate license.

10 16.

11 Grounds exist to revoke or suspend Respondent BEIHAGHI's real estate broker
12 license pursuant to Code Section 10177(h) and Regulation 2725 for failing to exercise reasonable
13 supervision over the activities of SOURCE to endure compliance with the Real Estate law.

14 Business and Professions Code Section 10106 provides, in pertinent part, that in
15 any order issued in resolution of a disciplinary proceeding before the Bureau, the commissioner
16 may request the administrative law judge direct a licensee found to have committed a violation
17 of this part to pay a sum not to exceed the reasonable costs of the investigation and enforcement
18 of the case.

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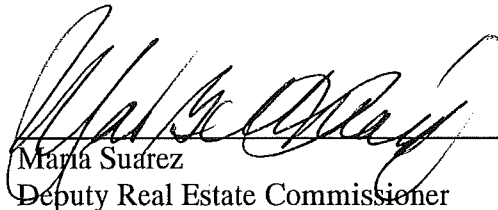
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1 WHEREFORE, Complainant prays that a hearing be conducted on the allegations
2 of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary
3 action against all licenses and/or license rights of Respondents MOHAMED REZA BEIHAGHI
4 and SOURCE ONE INVESTMENT, INC. under the Real Estate Law, for the cost of
5 investigation and enforcement as permitted by law (Code Section 10106), and for such other and
6 further relief as may be proper under other applicable provisions of law.

7 Dated at Los Angeles, California

8 this 14th day of January, 2014.

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Maria Suarez
Deputy Real Estate Commissioner

cc: Mohamed Reza Beihaghi
Source One Investment, Inc.
Maria Suarez
Sacto.