

FILED

JUN 04 2014

BUREAU OF REAL ESTATE

By S. Black

BEFORE THE BUREAU¹ OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of	)	
	)	No. H-39268 LA
MOHAMED REZA BEIHAGHI,	)	
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;	)	
	)	
<u>Respondents</u>	)	

DEFAULT DECISION

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on May 2, 2014, and the findings of fact set forth herein are based on one or more of the following: (1) Respondents' express admissions; (2) affidavits; and (3) other evidence.

FINDINGS OF FACT

1. On or about January 14, 2014, Maria Suarez made the Accusation in her official capacity as a Deputy Real Estate Commissioner of the State of California.

(a) On January 14, 2014, the Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail return receipt requested, to Respondent MOHAMED REZA BEIHAGHI at his last known mailing address on file at 4467 Emerald St., Torrance, CA 90503. The mailing was signed for.

(b) On January 14, 2014, the Accusation, Statement to Respondent, and Notice of Defense were mailed by certified mail, return receipt requested to Respondent SOURCE ONE INVESTMENT, INC. at its last known mailing address on file at 2502 Artesia Blvd. #203,

¹ Effective July 1, 2013, the Department of Real Estate became the Bureau of Real Estate, Department of Consumer Affairs. All references to the Agency will be to the "Bureau".

Redondo Beach, CA 90278. The mailing was returned by the post office marked not deliverable as addressed, unable to forward.

(c) No Notice of Defense has been received from Respondents. Respondents' Default was entered on May 2, 2014.

Parties

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.

(a) SOURCE ONE's license expired on August 27, 2013, and it retains rights to renewal pursuant to Business and Professions Code ("Code") Section 10201. The Bureau retains jurisdiction pursuant to Code Section 10103.

(b) BEIHAGHI is the owner and broker-officer designated pursuant to Code Section 10159.2 to be responsible for ensuring SOURCE ONE's compliance with the Real Estate Law.

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

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

(b) In 2000, in Case No. 28139 LA, 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.

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

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

7. Respondents engaged in the business of, acted in the capacity of, advertised or assumed to act as real estate brokers in the State of California within the meaning of Code Sections 10131(b). Their activities included representing owners of rental property and

collecting rents and/or performing property management services for owners of rental property. Respondents employed Del Rosario as an agent.

Camino Real Rental Property

8. On or before January 20, 2011, Respondents, through Del Rosario, entered into a lease listing agreement with the owner of rental property located on Camino Real in Redondo Beach, CA ("Camino Real Property"). In February of 2011, Respondents posted an advertisement soliciting tenants for the rental of the Camino Real Property. Tenant Thelma M. ("Tenant") contacted Del Rosario at the number provided, and met with him first at the rental property and then, on a subsequent occasion, at Respondents' offices. Tenant signed a rental agreement provided by Del Rosario which included Respondents' information as the listing firm. Tenant paid a \$25.00 credit report fee, a \$3,000.00 security deposit, and one month's rent of \$2,350.00 directly to Del Rosario. Respondents did not maintain columnar records of trust funds (security deposit and rent) received on behalf of the owners of the Camino Real Property. Respondents and their agent Del Rosario did not forward the rental money or deposit to the owner, and did not place the money into a trust account.

9. Del Rosario, as an agent of Respondents, conducted the activities set forth above when his license had expired more than a year earlier. Nonetheless, BEIHAGHI, as broker-officer of SOURCE ONE, allowed Del Rosario to continue to work and engage in activities requiring a real estate license after he knew that Del Rosario's license had expired in December 2009. BEIHAGHI, as the designated broker-officer of SOURCE ONE, failed to have adequate policies and procedures in place to ensure that all employees conducting licensed activities, including handling trust funds, were properly licensed. In addition, BEIHAGHI failed to have adequate policies and procedures in place for ensuring compliance with trust fund handling rules and regulations under the Real Estate Law.

LEGAL CONCLUSIONS

1. Grounds exist to revoke or suspend the real estate licenses of Respondents BEIHAGHI and SOURCE ONE pursuant to Business and Professions Code ("Code") Section 10177(d) for violation of Code Section 10145 and Title 10, Chapter 6 of the California Code of Regulations ("Regulations"), Regulation 2832 and Regulation 2831 for receiving trust funds in the form of a security deposit and rent from a tenant and failing to deposit same into a trust account or forward to the principal.

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

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

4. The standard of proof applied was clear and convincing proof to a reasonable certainty.

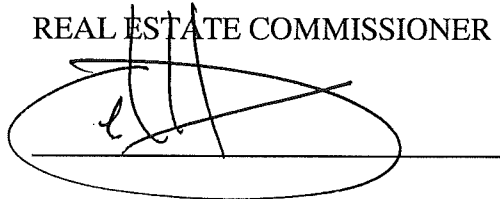
ORDER

All licenses and license rights of Respondents MOHAMED REZA BEIHAGHI and SOURCE ONE INVESTMENT, INC. under the provisions of Part I of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on JUN 25 2014 .

DATED: MAY 16 2014 .

REAL ESTATE COMMISSIONER

A handwritten signature in black ink, appearing to be "J. Mason", is written over a horizontal line. The signature is enclosed within a hand-drawn oval.

JEFFREY MASON
Chief Deputy Commissioner