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FILED

FEB 19 2014

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

11 In the Matter of the Application of) No. H-39319 LA
12)
13 YISHAI SCHOFFMAN,) STATEMENT OF ISSUES
14)
15 Respondent.)

16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against YISHAI SCHOFFMAN ("Respondent") alleges as follows:

19 1.

20 The Complainant makes this Statement of Issues against
21 Respondent in her official capacity as a Deputy Real Estate
22 Commissioner of the State of California.

23 2.

24 On or about September 5, 2013, Respondent made
25 application to the Bureau (formerly Department) of Real Estate
26 ("Bureau") of the State of California for a real estate
27 salesperson license.

1 FIRST CAUSE FOR DENIAL

2 (LICENSE DISCIPLINE)

3 3.

4 On or about August 15, 2011, the Contractors State
5 License Board ("CSLB") of the State of California, in Case No.
6 S-2008-135 (Accusation/Case No. 2012-41), revoked Respondent's
7 contractor licenses No. 588474, B and C-33 (Respondent dba
8 Novatec Enterprise) and No. 817366, B, C-33, and C-36 (Noga
9 Builders, with Respondent as the Responsible Managing Officer in
10 Classifications B and C-33) for violations of:

11 (1) Business and Professions Code 7109(a) (departed from
12 trade standards);

13 (2) Business and Professions Code 7110 (violated workman's
14 compensation laws);

15 (3) Business and Professions Code 7154 (employed non-
16 registered salesperson);

17 (4) Business and Professions Code 7115 (failed to comply
18 with Contractor's License Law);

19 (5) Business and Professions Code 7159(D)(7) (no
20 description of project, materials or equipment to be used);

21 (6) Business and Professions Code 7116 (willful or
22 fraudulent act);

23 (7) Business and Professions Code 7111.1 (licensee failed
24 to cooperate in investigation);

25 (8) Business and Professions Code 7114 (aided and abetted
26 non-licensee); and

27 (9) Business and Professions Code 7117 (license name

1 style variation, license personnel variation). The CSLB ordered
2 Respondent, as Novatec Enterprises and as Responsible Managing
3 Officer of Noga Builders, to pay restitution and the costs of
4 investigation. In addition, the CSLB ordered that Novatec
5 Enterprises and Noga Builders not apply for reissuance or
6 reinstatement of said licenses for five years from the effective
7 date of the Decision (August 15, 2011).

8
9 4.

10 The acts resulting in the foregoing action taken with
11 respect to Respondent SCHOFFMAN's contractor license, as alleged
12 herein above in Paragraph 3, constitute cause under Business and
13 Professions Code Section 10177(f) for the denial of a license to
14 Respondent SCHOFFMAN under the Real Estate Law.

15 SECOND CAUSE FOR DENIAL

16 (CRIMINAL CONVICTION)

17
18 5.

19 On or about December 14, 2011, in the Superior Court
20 of California, Los Angeles County, in Case No. 1CA01130,
21 Respondent pled *nolo contendere* and was convicted on two counts
22 for violation of Business and Professions Code Section 7028(A)
23 (willfully and unlawfully engage in the business and act in the
24 capacity of a contractor, without having a license) , a
25 misdemeanor and two counts for violation of Business and
26 Professions Code Section 7159.5(A)(3) (unlawfully charge a down
27 payment that exceeded one thousand dollars (\$1,000.00) or 10
percent of the contract amount, whichever is less), a

1 misdemeanor. Respondent was sentenced to 60 months summary
2 probation, 120 days in jail (or perform 60 days of community
3 labor), and ordered to pay fines. In addition, Respondent was
4 ordered jointly and severally liable with his co-defendants for
5 paying restitution; the court ordered Respondent to make
6 restitution in the following stipulated amounts, for which he is
7 separately liable:

- 8 A. \$60,000 to the Patchett-Huston Trust;
- 9 B. \$3,963.00 to Irving and Marilyn Shapiro;
- 10 C. \$5,553.70 to Nita Jones;
- 11 D. \$350.00 to Arthur Yeh; and
- 12 E. \$1,095.00 to Gary Roberts.

13 6.

14 These crimes bear a substantial relationship to the
15 qualifications, functions or duties of a real estate licensee
16 under Section 2910, Title 10, Chapter 6, California Code of
17 Regulations.

18 7.

19 The crimes for which Respondent was convicted
20 constitute cause for denial of Respondent's application for a
21 real estate license under Business and Professions Code Sections
22 475(a)(2), 480(a), and 10177(b).

23 8.

24 These proceedings are brought under the provisions of
25 Section 10100, Division 4 of the Business and Professions Code
26 of the State of California and Sections 11500 through 11528 of
27 the California Government Code.

1 WHEREFORE, the Complainant prays that the above-
2 entitled matter be set for hearing and, upon proof of the
3 charges contained herein, that the Commissioner refuse to
4 authorize the issuance of, and deny the issuance of, a real
5 estate salesperson license to Respondent, YISHAI SCHOFFMAN, and
6 for such other and further relief as may be proper under other
7 applicable provisions of law.

8 Dated at Los Angeles, California

9 this 27th day of January, 2014.

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14 Maria Suarez
15 Deputy Real Estate Commissioner
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23 cc: YISHAI SCHOFFMAN
24 Leonard Irwin Coltun
25 Maria Suarez
26 Sacto.
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