

FLAG

FILED

AUG 14 2017

BUREAU OF REAL ESTATE

By *Al Selou*

Bureau of Real Estate
320 West 4th Street, Suite 350
Los Angeles, California 90013

Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-40465 LA
	)	
AHMAD BDEIWI,	)	<u>STIPULATION AND</u>
	)	<u>AGREEMENT</u>
Respondent.	)	
	)	

It is hereby stipulated by and between Respondent AHMAD BDEIWI ("Respondent") represented by Fredrick M. Ray, Esq., and the Complainant, acting by and through Diane Lee, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on November 14, 2016, in this matter:

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

2. Respondent has received and read, and understand the Statement to Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Bureau of Real Estate in this proceeding.

1 3. Respondent filed a Notice of Defense pursuant to California Government Code
2 section 11506 for the purpose of requesting a hearing on the allegations in the Accusation.

3 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent
4 acknowledges that he understands that by withdrawing said Notice of Defense he thereby waives
5 his right to require the Commissioner to prove the allegations in the Accusation at a contested
6 hearing held in accordance with the provisions of the APA and that Respondent will waive other
7 rights afforded to him in connection with the hearing such as the right to present evidence in his
8 defense and the right to cross-examine witnesses.

9 4. This Stipulation is based on the factual allegations contained in the Accusation.
10 In the interest of expedience and economy, Respondent chooses not to contest these allegations,
11 but to remain silent and understand that, as a result thereof, these factual allegations, without
12 being admitted or denied, will serve as a prima facie basis for the disciplinary action stipulated to
13 herein. The Real Estate Commissioner shall not be required to provide further evidence to prove
14 said factual allegations.

15 5. This Stipulation is made for the purpose of reaching an agreed disposition of
16 this proceeding and is expressly limited to this proceeding and any other proceeding or case in
17 which the Bureau of Real Estate, the state or federal government, or any agency of this state, or
18 another state or federal government is involved.

19 6. It is understood by the parties that the Real Estate Commissioner may adopt
20 this Stipulation as his Decision in this matter thereby imposing the penalties and sanctions on the
21 real estate license and license rights of Respondent as set forth in the below "Order." In the
22 event that the Commissioner in his discretion does not adopt this Stipulation, it shall be void and
23 of no effect, and Respondent shall retain the right to a hearing and proceeding on the Accusation
24 under the provisions of the APA and shall not be bound by this Stipulation herein.

25 7. The Order or any subsequent Order of the Real Estate Commissioner made
26 pursuant to this Stipulation herein shall not constitute an estoppel, merger, or bar to any further
27 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters

1 which were not specifically alleged to be causes for Accusation in this proceeding, but do
2 constitute a bar, estoppel, and merger as to any allegations specifically and actually contained in
3 the Accusation against Respondent herein.

4 8. Respondent understand that by agreeing to this Stipulation, Respondent agrees
5 to pay, pursuant to California Business and Professions Code section 10106, the cost of the
6 investigation and enforcement. The amount of investigation and enforcement cost is \$2,000.00.

8 DETERMINATION OF ISSUES

9 By reason of the foregoing, it is stipulated and agreed that the following
10 determination of issues shall be made:

11 The conduct, acts, or omissions of Respondent AHMAD BDEIWI, as described in
12 the Accusation and Paragraph 4, above, are in violation of California Business and Professions
13 Code sections 10162 and California Code of Regulations, sections 2710(c) and 2715, and are a
14 basis for discipline of Respondent's license and license rights as violation of the Real Estate Law
15 pursuant to California Business and Professions Code sections 10177(d) and 10177(g).

17 ORDER

18 WHEREFORE, THE FOLLOWING ORDER is hereby made:

19 I.

20 All licenses and licensing rights of Respondent AHMAD BDEIWI under the Real
21 Estate Law are suspended for a period of twenty (20) days, from the effective date of this
22 Decision and Order, provided, however, that:

23 A. If Respondent petitions, the initial ten (10) days of said suspension (or a
24 portion thereof) shall be stayed upon condition that:

25 1. Respondent pays a monetary penalty pursuant to California Business and
26 Professions Code section 10175.2 at the rate of \$100.00 for each day of the suspension for a total
27 monetary penalty of \$1,000.00.

1 2. Said payment shall be in the form of a cashier's check or certified check made
2 payable to the Recovery Account of the Real Estate Fund. Said check must be received by the
3 Bureau of Real Estate at prior to the effective date of this Decision.

4 3. No further cause for disciplinary action against the real estate license of
5 Respondent occurs within two (2) years from the effective date of the Decision in this matter.

6 4. If Respondent fails to pay the monetary penalty in accordance with the terms
7 and conditions of the Decision, the Commissioner may, without a hearing, order the immediate
8 execution of all or any part of the stayed suspension in which event the Respondent shall not be
9 entitled to any repayment nor credit, prorated or otherwise, for money paid to the Bureau of Real
10 Estate under the terms of this Decision.

11 5. If Respondent pays the monetary penalty and if no further cause for
12 disciplinary action against the real estate license of Respondent occurs within two (2) years from
13 the effective date of the Decision, the stay hereby granted shall become permanent.

14 6. Payment shall be mailed to the Bureau of Real Estate at: Bureau of Real Estate,
15 Flag Section, P.O. Box 137013, Sacramento, CA 95813-7013.

16 B. The remaining ten (10) days of the twenty (20) day suspension shall be stayed
17 for two (2) years upon the following terms and conditions:

18 1. Respondent shall obey all laws, rules, and regulations governing the rights,
19 duties, and responsibilities of a real estate licensee in the State of California; and

20 2. That no final subsequent determination be made after hearing or upon
21 stipulation, which cause for disciplinary action occurred within two (2) years from the effective
22 date of this Decision. Should such a determination be made, the Commissioner shall, in his
23 discretion, vacate, and set aside the stay order, and reimpose all or a portion of the stayed
24 suspension. Should no such determination be made, the stay imposed herein shall become
25 permanent.

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(INVESTIGATION AND ENFORCEMENT COSTS)

II.

All license and license rights of Respondent are indefinitely suspended unless or
until Respondent pay the sum of \$2,000.00 for the Commissioner's reasonable cost for
investigation and enforcement which led to this disciplinary action. Said payment shall be in the
form of a cashier's check made payable to the Bureau of Real Estate. The investigative and
enforcement costs must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box
137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

(CONTINUING EDUCATION)

III.

Respondent shall, within nine (9) months from the effective date of this Decision
and Order, present evidence satisfactory to the 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,
Respondent's real estate license shall automatically be suspended until Respondent presents
evidence satisfactory to the Commissioner of having taken and successfully completed the
continuing education requirements. Proof of completion of the continuing education courses
must be delivered to the Bureau of Real Estate, Flag Section at P.O. Box 137013, Sacramento,
CA 95813-7013.

DATED: 07/26/2017



DIANE LEE, Counsel for
Bureau of Real Estate

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EXECUTION OF THE STIPULATION

I, AHMAD BDEIWI, have read the Stipulation and discussed it with my attorney, Fredrick M. Ray, Esq. 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 APA (including, but not limited to, California Government Code sections 11506, 11508, 11509, and 11513), and I willingly, intelligently, and voluntarily waive those rights, including, but not limited to, 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.

MAILING AND FACSIMILE

Respondent (1) shall mail the original signed signature page of this Stipulation herein to Bureau of Real Estate, Attention: Legal Section – Diane Lee, 320 West Fourth Street, Suite 350, Los Angeles, California 90013-1105. Respondent shall also (2) facsimile a copy of signed signature page, to the Bureau of Real Estate at the following telephone/fax number: (213) 576-6917, Attention: Diane Lee.

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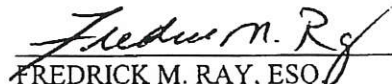
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1 A facsimile constitutes acceptance and approval of the terms and conditions of
2 this Stipulation. Respondent agrees, acknowledges, and understands that by electronically
3 sending to the Bureau of Real Estate a facsimile copy of the actual signatures of Respondent as it
4 appear on the Stipulation that receipt of the facsimile copy by the Bureau of Real Estate shall be
5 as binding on Respondent as if the Bureau of Real Estate had received the original signed
6 Stipulation.

7
8 DATED: 7/25/17


AHMAD BDEIWI

10
11 DATED: 7/25/17


FREDRICK M. RAY, ESQ.
Attorney for Respondent AHMAD BDEIWI

13 * * *

14 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
15 Respondent AHMAD BDEIWI, and shall become effective at 12 o'clock noon on
16 SEP - 4 - 2017, 2017.

17 IT IS SO ORDERED August 4, 2017.

18 WAYNE S. BELL
19 REAL ESTATE COMMISSIONER

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