

Sach

FILED

APR -4 2018

BUREAU OF REAL ESTATE

By [Signature]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Application of  
AMIT A. LALJI,  
Respondent.

No. H-40728 LA  
L-2017080426

STIPULATION AND WAIVER  
AFTER REJECTION

I, AMIT A. LALJI, Respondent herein, do hereby affirm that I have applied to the Bureau of Real Estate ("Bureau") for a real estate salesperson license and that to the best of my knowledge I have satisfied all the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues filed by the Bureau on July 25, 2017, in connection with my application for a real estate salesperson license. I acknowledge that by entering into this Stipulation and Waiver, I am stipulating that the Real Estate Commissioner has found grounds to justify the denial of the issuance of an unrestricted real estate salesperson license to me. I agree that there are grounds to deny the issuance of an unrestricted real estate salesperson license to me pursuant to California Business and Professions Code Sections 475(a), 480(a), 10177(a) and 10177(b) as more fully set forth in the Statement of Issues.

///

1 I further acknowledge that the Real Estate Commissioner held a hearing on this  
2 Statement of Issues on September 14, 2017, before the Office of Administrative Hearings for  
3 the purpose of requiring further proof of my honesty and truthfulness and to prove other  
4 allegations therein. I was present at the hearing and participated therein. Further, I have had an  
5 opportunity to read and review the Proposed Decision of the Administrative Law Judge.

6 I understand that pursuant to Government Code Section 11517(c), the Real Estate  
7 Commissioner has rejected the Proposed Decision of the Administrative Law Judge. I further  
8 understand that pursuant to the same Section 11517(c), the Real Estate Commissioner may  
9 decide this case upon the record, including the transcript, without taking any additional  
10 evidence, after affording me the opportunity to present written argument to the Real Estate  
11 Commissioner.

12 I further understand that by signing this Stipulation and Waiver, I am waiving my right  
13 to obtain a dismissal of the Statement of Issues through proceedings under Government Code  
14 Section 11517(c) if this Stipulation and Waiver ("Stipulation") is accepted by the Real Estate  
15 Commissioner. However, I also understand that I am not waiving my rights to further  
16 proceedings to obtain a dismissal of the Statement of Issues if this Stipulation and Waiver is not  
17 accepted by the Real Estate Commissioner.

18 I hereby request that the Real Estate Commissioner in his discretion issue a restricted  
19 real estate salesperson license to me under the authority of California Business and Professions  
20 Code Section 10156.5. I understand that any such restricted license will be issued subject to  
21 the provisions and limitations of California Business and Professions Code Sections 10156.6  
22 and 10156.7.

23 I further understand that the following conditions, limitations, and restrictions will  
24 attach to a restricted real estate salesperson license issued by the Bureau of Real Estate  
25 pursuant hereto:

- 26 1. The license shall not confer any property right in the privileges to be exercised,  
27 including the right of renewal, and the Real Estate Commissioner may by

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

- a. The conviction of Respondent (including a plea of nolo contendere) to a crime that bears a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
  - b. The receipt of evidence 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 this restricted license.
2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations, or restrictions attaching to the restricted license until four (4) years have elapsed from the date of issuance of the restricted license to Respondent.
3. With the application for license, or with the application for transfer to a new employing broker, Respondent shall submit a statement signed by the prospective employing broker on a form approved by the Bureau of Real Estate wherein the employing broker shall certify as follows:
- a. That broker has read the Decision which is the basis for the issuance of the restricted license; and
  - b. That broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.
4. Respondent shall notify the Real Estate Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Real Estate Commissioner at the Bureau of Real Estate, Post Office Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested, and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

\*\*\*

I have read the Statement of Issues filed herein, the Proposed Decision of the Administrative Law Judge dated October 9, 2017, and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent AMIT A. LALJI if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted salesperson license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED April 4, 2018.

WAYNE S. BELL  
Real Estate Commissioner



By: DANIEL J. SANDRI  
Chief Deputy Commissioner

*Saito*

**FILED**

NOV 14 2017

BUREAU OF REAL ESTATE

By *[Signature]*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Application of )  
AMIT A. LALJI, ) CalBRE No. H-40728 LA  
Respondent. ) OAH No. 2017080426

NOTICE

TO: AMIT A. LALJI, Respondent.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated October 9, 2017, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated October 9, 2017, is attached hereto for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on Thursday, September 14, 2017, and any written argument hereafter submitted on behalf of respondent and complainant.

Written argument of respondent to be considered by me must be submitted within 15 days after receipt of the transcript of the proceedings of Thursday, September 14, 2017, at the Los Angeles office of the Bureau of Real Estate unless an extension of the time is granted for good

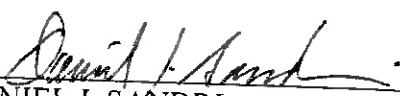
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

cause shown.

Written argument of complainant to be considered by me must be submitted within 15 days after receipt of the argument of respondent at the Los Angeles Office of the Bureau of Real Estate unless an extension of the time is granted for good cause shown.

DATED: 11/7/17

WAYNE S. BELL  
REAL ESTATE COMMISSIONER

By   
DANIEL J. SANDRI  
Chief Deputy Commissioner

BEFORE THE  
BUREAU OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

AMIT A. LALJI,

Respondent.

BRE No. H-40728 LA

OAH No. 2017080426

**PROPOSED DECISION**

This matter was heard on September 14, 2017, in Los Angeles, California, by David B. Rosenman, Administrative Law Judge, Office of Administrative Hearings. Amit A. Lalji (respondent) represented himself. Maria Suarez (complainant), Supervising Special Investigator, was represented by James R. Peel, Counsel for the Bureau of Real Estate (Bureau).

Oral and documentary evidence was received. The matter was submitted for decision on September 14, 2017.

**FACTUAL FINDINGS**

1. Complainant brought the Statement of Issues in her official capacity.
2. On August 20, 2014, respondent filed an application with the Bureau for issuance of a real estate salesperson license. Respondent filed an amended application on June 20, 2016. No license has been issued.
3. In his 2014 application, respondent disclosed a felony conviction in 2009 (as discussed in more detail below, the conviction actually occurred in 2010). By letter dated March 16, 2016, the Bureau informed respondent that he needed to provide more information about that conviction, and several other questions were listed. Respondent filled in information in blank spaces in the letter, indicating the conviction was in 2010 and was for conspiracy to distribute controlled substances. He added information about a 2006 conviction for receiving stolen property. Respondent was then informed that his 2014 application was outdated and advised to submit a new application. In his 2016 application, respondent again erroneously referred to a felony conviction in 2009, as well as the 2006 conviction.



4. On September 15, 2010, in the United States District Court, Central District of California, case no. CR 09-762-GW, the Court issued a Judgment indicating that, on August 23, 2010, respondent pleaded guilty to violating 21 United States Code sections 846, 841(a)(1), 841(b)(1)(B)(viii), and 841(b)(1)(c), for conspiracy to distribute a controlled substance, a felony. Respondent was convicted based on the plea and Judgment. Respondent was sentenced to serve 36 months in prison and, upon release, to be placed on supervised release for three years, under terms and conditions, including placement in an alcohol or drug treatment program.

5. The facts and circumstances underlying the 2010 conviction relate to several days in July 2009 when respondent and another person arranged for the sale, and to share the proceeds of the sale, of methylenedioxy methamphetamine (MDMA), a Schedule I controlled substance under federal law. The buyer was an undercover law enforcement officer.

6. On February 28, 2006, in the Superior Court of California, County of Los Angeles, case no. SA058895, respondent was convicted on his plea of nolo contendere of violating Penal Code section 496, subdivision (a), receiving stolen property, a felony. The court found there was a factual basis for the plea. Respondent was sentenced to serve two years in state prison, with credit for 88 days, and to pay fines and fees.

7. The facts and circumstances underlying the 2006 conviction for receiving stolen property relate to respondent's actions in January 2006 when he possessed U.S. mail, belonging to another person, which he knew was stolen.

8. On June 14, 2017, the court granted respondent's petition and, under Penal Code section 1170.18 et seq., the 2006 felony was reduced to a misdemeanor, respondent was sentenced to serve 365 days in county jail, and was given credit for 365 days served.

9. Both of respondent's license applications had questions asking if respondent had been convicted of a felony or a misdemeanor. In a space to list conviction details, respondent gave information about the two convictions discussed in Findings 4 and 6 only. Respondent did not disclose six convictions in either of his applications, discussed in more detail below.

10. On October 14, 2003, in the Superior Court of California, County of Los Angeles, case no. 3WL11986, respondent was convicted on his pleas of guilty of violating Penal Code section 12031, subdivision (a)(1), carrying a loaded and unregistered firearm, and Health and Safety Code section 11550, subdivision (a), being under the influence of a controlled substance, both misdemeanors. The court found there was a factual basis for the pleas. Imposition of sentence was suspended for 18 months and respondent was placed in a drug diversion program. When he missed a court appearance, on November 12, 2003, imposition of sentence was suspended and respondent was placed on summary probation for 24 months on various terms and conditions. Respondent did not comply, he was found in violation of probation, he was sentenced to serve 10 days in county jail, and probation was

reinstated. There were other instances of respondent's failure to comply. On May 27, 2004,<sup>1</sup> deferred entry of judgment was terminated, imposition of sentence was suspended and respondent was placed on summary probation for 36 months on various terms and conditions. Respondent did not comply with probation conditions, several bench warrants were issued, and eventually probation was revoked and the matter was set for sentencing in conjunction with case number SA058895, discussed in Findings 6-8.

11. On March 8, 2004, in the Superior Court of California, County of Los Angeles, case no. 3IW04798, respondent was convicted on his plea of nolo contendere of violating Penal Code section 475, subdivision (b), possessing a blank check with intent to defraud, a misdemeanor. The court found there was a factual basis for the plea. Imposition of sentence was suspended and respondent was placed on probation for 36 months with terms and conditions, including that he serve 45 days in jail (with credit for 14 days served/good time credit), and pay fines and fees. Respondent did not pay restitution as ordered. On February 28, 2006, the court ordered probation revoked and terminated, without benefit of dismissal.

12. On March 15, 2005, in the Superior Court of California, County of Los Angeles, case no. 4IW03497, respondent was convicted on his plea of nolo contendere of violating Vehicle Code section 10851, subdivision (A), auto theft, a misdemeanor. The court found there was a factual basis for the plea. Imposition of sentence was suspended and respondent was placed on probation for 36 months with terms and conditions, including that he serve 33 days in jail (with credit for 33 days served), and pay fines and fees. On February 28, 2006, the court ordered probation revoked and terminated, without benefit of dismissal.

13. On March 4, 2004, in the Superior Court of California, County of Los Angeles, case no. YA057799, respondent was convicted on his plea of nolo contendere of violating Health and Safety Code section 11377, subdivision (a), possessing a controlled substance, a felony. The court found there was a factual basis for the plea. At sentencing on March 18, 2004, imposition of sentence was suspended and respondent was placed on probation for three years with terms and conditions, including that he participate in a drug abuse program, and pay fines and fees. Respondent missed numerous court dates and was found in violation of probation. In several instances he did not comply with his drug programs and was dismissed from those programs. On February 22, 2006, probation was revoked and the matter was set for sentencing in conjunction with case number SA058895, discussed in Findings 6-8. On February 28, 2006, the court ordered probation revoked and terminated, without benefit of dismissal. On June 15, 2017, the court granted respondent's petition and, under Penal Code section 1170.18 et seq., the felony was reduced to a misdemeanor.

14. On May 5, 2004, in the Superior Court of California, County of Los Angeles, case no. YA058241, respondent was convicted on his plea of nolo contendere of violating Health and Safety Code section 11377, subdivision (A), possessing a controlled substance, a

---

<sup>1</sup> The Statement of Issues erroneously alleges the date as May 27, 2005.

felony. The court found there was a factual basis for the plea. At sentencing on May 24, 2004, imposition of sentence was suspended and respondent was placed on probation for three years with terms and conditions, including that he participate in a drug abuse program, and pay fines and fees. Respondent missed numerous court dates and was found in violation of probation. In several instances he did not comply with his drug programs and was dismissed from those programs. On February 22, 2006, probation was revoked and the matter was set for sentencing in conjunction with case number SA058895, discussed in Findings 6-8. On February 28, 2006, the court ordered probation revoked and terminated, without benefit of dismissal. On June 7, 2017, the court granted respondent's petition and, under Penal Code section 1170.18 et seq., the felony was reduced to a misdemeanor.

15. On March 1, 2006, in the Superior Court of California, County of Los Angeles, case no. 5SB07251, respondent was convicted on his plea of nolo contendere of violating Health and Safety Code section 11377, subdivision (a), possessing a controlled substance, a misdemeanor. The court found there was a factual basis for the plea. Respondent was sentenced to serve 75 days in jail (with credit for 50 days served/25 days good time credit). The proceedings were then terminated.

16. The crimes in Findings 4-7 and 10-15 bear a substantial relationship to the qualifications, functions or duties of a real estate licensee under California Code of Regulations, title 10,<sup>2</sup> section 2910, subdivision (a), discussed in more detail below.

17. Respondent testified generally to the circumstances underlying the convictions, referring to his family, upbringing and surroundings. The testimony was credible. Respondent was born in 1983. As he grew up, respondent received love and support from his family, but often was influenced by the gangs in the area and took actions based on poor decisions. Respondent started in public school in California, but did not perform well. He was sent to India with his mother for two years of school, but when he returned to public school in California, he returned to bad behavior. Respondent was sent to private school, returned to public school, sent to New Zealand for school, and again returned to public school. Respondent stated he "corrected himself," obtained a high school graduate equivalent diploma, was employed at a bank, and attended community college. However, he left college and again was involved with "the wrong people." Respondent stated he was "stuck in a cycle" in 2003, when his criminal acts began, resulting in the convictions. He admitted that his use of illegal drugs was a part of all of his criminal acts.

18. This cycle lasted eight or nine years, during which time respondent's friends and family tried to help him. When he would come home, respondent would fall back into old habits. Respondent's last time in prison was different. He described a process of surrender, guilt, remorse, and acceptance of change. He had a renewed focus on success and established a routine of attending Alcoholics Anonymous (AA) and Narcotics Anonymous

---

<sup>2</sup> Further references to the California Code of Regulations relate to title 10, and are noted as "Regulation."

(NA) meetings, working out, healthy eating and reading. Based on his readings, he prepared a "dream board/vision board" that helped him stay focused. He enjoyed helping people and decided to pursue a career in real estate.

19. After release from prison respondent lived in a half-way house and had menial jobs in a freezer warehouse and a printing company. For a period he lived in Ontario and had a long commute to a job in El Segundo. To save money, he moved back to the west Los Angeles area, and despite proximity to people and places from his past, he had a stronger foundation. He lives with his parents and is focused on family instead of his past. Respondent is active in his Hindu temple, helps serve food through its programs, and does set up and clean up for services. He learned from social media of Keven Sturdivant, a licensed real estate broker who also promotes involvement in community activities. Mr. Sturdivant served as a mentor to respondent, and recruited him into an unpaid internship program. Mr. Sturdivant's real estate group, KASE, is part of Keller Williams Realty.

20. Mr. Sturdivant testified at the hearing and was an enthusiastic supporter of respondent, who comes in early, works extremely hard, and assists numerous licensees in service to customers in real estate transactions. Mr. Sturdivant is aware that respondent had trouble in his past, although he was not familiar with all of the details. Mr. Sturdivant encourages involvement in community activities and is aware of respondent's volunteer work. He believes that respondent is rehabilitated, puts himself before others, and would be successful if he were granted a license.

21. Respondent is active in community programs, speaking often at schools, juvenile programs, juvenile hall programs and other groups of at-risk youth. He relates the problems of his past as well as the changes in his life and his goals of success, passion and drive. He has received numerous certificates for his participation. He helps in annual holiday toy drives.

22. Amar Pal is respondent's first cousin. He testified and submitted a character reference letter. Mr. Pal is an officer with the Los Angeles Police Department. He referenced respondent's difficult past as well as his change in lifestyle, mentoring of youth, community involvement, and giving of assistance and advice to family members. Through his job, Officer Pal is familiar with people with pasts similar to respondent's past, and their inability to change their lives. In his experience, however, respondent has been able to change, due to his focus, drive and passion, including his goal of a career in real estate. Officer Pal is aware of respondent's past and believes that respondent currently presents no danger to the public.

23. Bryan Kraft is a real estate broker at Keller Williams Realty who is responsible for approximately 450 licensed salespeople. He testified that he met respondent in a group of trainees, is aware of his past, and has been impressed by respondent's motivation and determination, particularly in the manner that respondent has charted a path and has taken steps for self-improvement. Mr. Kraft usually mentors several new licensees, and believes that respondent could be successful as a salesperson at Keller Williams.

24. Several character reference letters were received from others at KASE and Keller Williams Realty. These letters, and other letters noted below, are in evidence as administrative hearsay.<sup>3</sup> The picture depicted by the testimony of Mr. Sturdivant, Mr. Kraft and respondent is supplemented and explained by letters from at least ten others from KASE and Keller Williams. Respondent is consistently held in high esteem by others, who praise his spirit, energy, commitment, passion, integrity and outstanding character. Many writers are aware of his past, and comment upon his reform, including his public speaking and volunteer work. Each of them recommends that respondent receive a real estate license.

25. Other letters were submitted by family members, friends, and others, across a broad spectrum (e.g., a lawyer, educators, college counselor, medical students, transportation surveyor, auditor, caterer, realtors, financial analyst, barber, and software engineer). In total, respondent submitted more than 40 character reference letters. They supplement and explain the progress and energy towards rehabilitation established by the testimony of witnesses.

26. Acceptance of responsibility and lessons learned were also the subject of respondent's testimony at the hearing. Respondent is now 34 years old and demonstrated a mature, sincere demeanor. Respondent acknowledged his actions were mistakes. His change in attitude is based on numerous factors, including gained maturity, time in jail, AA sessions, and serious reflection on the mistakes of his past. He believes he has complied with all court orders relating to restitution, or was relieved of that responsibility.

27. Respondent was contrite about his failure to disclose many of his convictions. He disclosed in the applications the convictions he could recall and that resulted in significant jail time. When shown the number of documents during the hearing related to his many convictions, he expressed surprise. Respondent stated he had no intent to deceive the Bureau and assumed the Bureau would obtain a record of all convictions.

28. Respondent accepted full responsibility for his actions leading to the convictions. He appeared extremely remorseful. During respondent's testimony about his present activities he demonstrated, in substance and in his demeanor, the same passion, integrity and positive character that were the subject of all of his character reference letters and the testimony of his witnesses.

---

<sup>3</sup> The term "administrative hearsay" is a shorthand reference to the provisions of Government Code section 11513, subdivision (d), to the effect that hearsay evidence that is objected to, and is not otherwise admissible, may be used to supplement or explain other evidence but may not, by itself, support a factual finding. It may be combined with other evidence to provide substantial evidence sufficient to support a finding. (*Komizu v. Gourley* (2002) 103 Cal.App.4th 1001.)

6. There is cause to deny respondent's application for a real estate salesperson license pursuant to Code sections 480, subdivision (a)(1), and 10177, subdivision (b), because respondent has been convicted of crimes substantially related to the qualifications, functions, or duties of a real estate licensee, as set forth in Factual Findings 3 through 15.

*Failure to disclose convictions on license applications*

7. Under Code section 10177, subdivision (a), an application can be denied if the applicant attempted to procure the license by fraud, misrepresentation, or deceit, or by making a material misstatement of fact in the application.

8. There is cause to deny respondent's application for a real estate salesperson license pursuant to Code section 10177, subdivision (a), because respondent made a false statement of fact and attempted to procure a license by misrepresentation when he incompletely answered the question concerning convictions by omitting six convictions, as set forth in Factual Findings 3 through 15.

*Rehabilitation*

9. Criteria have been developed by the Bureau to evaluate the rehabilitation of an applicant who has been convicted of a crime or act. The relevant criteria, found at Regulation section 2911, are summarized below, including references to the relevant evidence.

Subdivision (a)(1), elapsed time of at least two years since the act or offense, which can be increased by considering the nature and severity of the crime and the licensee's history of criminal convictions that are "substantially related" to the qualifications, functions, or duties of a real estate licensee. Respondent's last conviction (2010, federal court, conspiracy to distribute a controlled substance) was for acts that occurred in July 2009, more than eight years ago. His other convictions all occurred prior to that. Even if the elapsed time of two years is increased due to this criminal history, based on the passage of time and other evidence, respondent meets this criterion.

Subdivision (a)(2), restitution. There is conflicting evidence, and it was not established that respondent paid all fines, fees and restitution ordered by the court. In several instances he was discharged from probation.

Subdivision (a)(3), expungement of the conviction. There was no evidence that any conviction was expunged. However, the state court convictions for felonies have been reduced to misdemeanors.

Subdivision (a)(4), expungement of the requirement to register as a sex offender. Not applicable.

## LEGAL CONCLUSIONS AND DISCUSSION

Based upon the foregoing factual findings, the Administrative Law Judge makes the following legal conclusions:

1. The burden of proof is on the applicant to establish he is entitled to the license. (*Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205; *Southern Cal. Jockey Club v. California Horse Racing Bd.* (1950) 36 Cal.2d 167.) The person against whom a statement of issues is filed generally bears the burden of proof at the hearing regarding the issues raised. (*Coffin v. Department of Alcoholic Beverage Control* (2006) 139 Cal.App.4th 471, 476.) Respondent has met this burden to the extent that a restricted license will be issued.

### *Cause for denial related to the convictions*

2. Under Business and Professions Code<sup>4</sup> section 10177, subdivision (b), an application for a real estate license may be denied for the applicant's conviction of a crime if the crime is substantially related to the qualifications, functions, or duties of a real estate licensee.

3. Under Code section 480, subdivision (a)(1), an application can be denied for the applicant's conviction of a crime. The crime must be substantially related to the qualifications, functions, or duties of a real estate licensee.

4. Under Regulation 2910, subdivision (a), as relevant here, a crime or act is substantially related to the qualifications, functions, or duties of a real estate licensee if it involves: the fraudulent obtaining or taking of property belonging to another person (subd. (a)(1)); the employment of fraud (subd. (a)(4)); the doing of any unlawful act with the intent to confer a financial benefit upon the perpetrator or intent or threat of doing substantial injury to the property of another (subd. (a)(8)); willful failure to comply with a court order (subd. (a)(9)); or conduct which demonstrates a pattern of repeated and willful disregard for the law (subd. (a)(10)).

5. Each of the crimes for which respondent was convicted includes at least one of the factors of "substantial relationship" noted above, and all of the crimes depict a pattern of repeated and willful disregard for the law. Therefore, each crime is substantially related to the qualifications, functions, or duties of a real estate licensee under Regulation 2910, subdivision (a).

---

<sup>4</sup> All references to a statute are to the Business and Professions Code unless noted otherwise.

Subdivision (a)(5), completion of, or early discharge from, the criminal probation. Respondent completed or was discharged from all probations.

Subdivision (a)(6), abstinence from drugs or alcohol that contributed to the crime. Respondent established his rehabilitation from drug abuse.

Subdivision (a)(7), payment of any criminal fines or penalties. There is conflicting evidence, and it was not established that respondent paid all fines, fees and restitution ordered by the court. In several instances he was discharged from probation.

Subdivision (a)(8), stability of family life. Respondent's family life is stable, and he attributes his turnaround to family support. Many family members submitted letters, and one testified, in support of licensure.

Subdivision (a)(9), enrollment in or completion of educational or training courses. Respondent completed required real estate courses.

Subdivision (a)(10), discharge of debts. Not applicable.

Subdivision (a)(11), correction of business practices causing injury. There were no relevant business practices. However, respondent provided substantial evidence of positive changes in his social relationships.

Subdivision (a)(12), significant involvement in community, church or private programs for social betterment. Respondent established significant involvement in his temple activities and in numerous community programs for social benefit.

Subdivision (a)(13), new and different social and business relationships. Respondent provided substantial evidence of positive changes in his social relationships. He recognizes the role that negative social pressure played on his poor decisions and actions in the past.

Subdivision (a)(14), change in attitude from the time of conviction to the present, evidenced by: testimony of the applicant and others, including family members, friends or others familiar with his previous conduct and subsequent attitudes and behavior patterns, or probation or parole officers or law enforcement officials; psychiatric or therapeutic evidence; and absence of subsequent convictions "which reflect an inability to conform to societal rules when considered in light of the conduct in question." Respondent accepted responsibility for his mistakes and he and others testified credibly to the lessons learned as well as respondent's efforts to better himself and help to better others by referring to his own struggles. As much as respondent's criminal history established a prior inability to conform to societal rules, his rehabilitation and reformation establish a present likelihood that he will conform in the future.



Subdivision (b) relates to mortgage loan originator endorsements and is not applicable.

10. Respondent presents a complex scenario. He has a long history of convictions and did not disclose several in his applications, both of which provide ample grounds to deny the applications. On the other hand, respondent submitted substantial evidence of his good character, mitigation, and rehabilitation, including over 40 character reference letters.

“Favorable testimony of acquaintances, neighbors, friends, associates and employers with reference to their observation of the daily conduct and mode of living” can be helpful in determining whether a person seeking licensure is rehabilitated. (See *In the Matter of Brown* (1993) 2 Cal. State Bar Ct. Rptr. 309, 317 – 318.)

11. A recent appellate opinion focuses attention on the particular rehabilitation criteria concerning whether criminal conduct is likely to be repeated. The court in *Singh v. Davi* (2012) 211 Cal.App.4th 141, determined in this regard that, of the many rehabilitation criteria, arguably the most important in predicting future conduct is change in attitude from that which existed at the time of the conduct in question. “California courts have considered various factors in reaching their decision as to the type of discipline or whether a person was a threat to the public. In real estate licensee disciplinary cases, some of these factors have included: (1) the likelihood of recurrence of the crime; (2) whether the person led an exemplary life before and after the incident which led to the conviction; and (3) whether the person was contrite and remorseful. (*Brandt v. Fox* (1979) 90 Cal.App.3d 737, 745-747).” (*Id.* at p. 150.)

12. Rehabilitation is a state of mind and the law looks with favor upon one who has achieved reformation and regeneration with the reward of the opportunity to serve. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) The evidentiary significance of misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1070.) Mere remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) Respondent bears the particular burden of establishing rehabilitation sufficient to compel his licensure. (*In the Matter of Brown* (1993) 2 Cal. State Bar Ct. Rptr. 309.)

Rehabilitation depends upon a track record of conduct that convinces the Bureau that that the public would be safe in granting privileges of licensure to respondent. A respondent must establish a track record of reliable, responsible and consistently appropriate conduct.

13. The circumstances of respondent’s convictions, and the rehabilitation criteria he has satisfied, are not sufficient to grant him an unrestricted license at this time in a manner consistent with protection of the public. The evidence established numerous acts in violation

of the law as well as probation violations over an extended period of time. Nevertheless, the likelihood that respondent will reoffend is low. He is more mature and has learned from his mistakes. He has substantial support from a wide array of people, many of whom are licensed by the Bureau, are particularly aware of the requirements to perform acts requiring a license, and enthusiastically support respondent's licensure. The public will be adequately protected if respondent is issued a restricted salesperson license, as the restricted license requires respondent to be supervised in his performance of activities that require the license, respondent's supervisor must be notified of the decision in this matter, and respondent's supervisor must exercise close supervision over respondent.

## ORDER

The application of respondent Amit A. Lalji for a real estate salesperson license is denied; provided, however, a restricted real estate salesperson license shall be issued to respondent pursuant to Business and Professions Code section 10156.5. The restricted license issued to the respondent shall be subject to all of the provisions of Business and Professions Code section 10156.7 and to the following limitations, conditions and restrictions imposed under authority of Business and Professions Code section 10156.6:

1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate Commissioner may by appropriate order suspend the right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of respondent (including a plea of nolo contendere) of a crime which is substantially related to respondent's fitness or capacity as a real estate licensee; or

(b) The receipt of evidence 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 this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor the removal of any of the conditions, limitations or restrictions attaching to the restricted license until two years have elapsed from the date of issuance of the restricted license to respondent.

3. With the application for license, or with the application for transfer to a new employing broker, respondent shall submit a statement signed by the prospective employing real estate broker on a form RE 552 (Rev. 4/88) approved by the Bureau of Real Estate which shall certify as follows:

(a) That the employing broker has read the Decision which is the basis for the issuance of the restricted license; and

(b) That the employing broker will carefully review all transaction documents prepared by the restricted licensee and otherwise exercise close supervision over the licensee's performance of acts for which a license is required.

4. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of respondent's arrest, the crime for which respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

DATED: October 9, 2017

DocuSigned by:

*David B. Rosenman*

DAVID B. ROSENMAN  
Administrative Law Judge  
Office of Administrative Hearings