

FILED

FEB - 8 2018

BUREAU OF REAL ESTATE

By

AC Delouis

Bureau of Real Estate
320 W. 4TH Street, Suite 350
Los Angeles, CA 90013-1105

Telephone: (213) 576-6982

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
SHAHRAM ELYASZADEH,
Respondent.

No. H-40741 LA
STIPULATION
AND
AGREEMENT

It is hereby stipulated by and between Respondent SHAHRAM ELYASZADEH ("Respondent"), acting by and through his attorney, Steven J. Haber, and the Complainant, acting by and through Amelia V. Vetrone, Counsel for the Bureau of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on August 8, 2017, in this matter:

1. All issues which were to be contested and all evidence which was 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 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, read and understands 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 Section 11506 of the
2 Government Code 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 he will waive other rights
7 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
10 Accusation. In the interest of expedience and economy Respondent chooses not to contest these
11 allegations but to remain silent and understands that, as a result thereof, these factual allegations,
12 without being admitted or denied, will serve as a prima facie basis for the disciplinary action
13 stipulated to herein. The Real Estate Commissioner shall not be required to provide evidence to
14 prove 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 not any other proceeding or case
17 in which the Bureau of Real Estate ("Bureau"), or another licensing agency of this state, another
18 state, or the federal government is involved, and otherwise shall not be admissible in any
19 criminal or civil proceeding.

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

27 7. The Order or any subsequent Order of the Real Estate Commissioner made

1 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
2 administrative or civil proceedings by the Bureau of Real Estate with respect to any matters
3 which were not specifically alleged to be causes for accusation in this proceeding.

4 8. Respondent understands that by agreeing to this Stipulation, Respondent
5 agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the
6 investigation of this matter. The amount of said cost is \$3,278.40.

7 DETERMINATION OF ISSUES

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

10 The conduct, acts or omissions of SHAHRAM ELYASZADEH, as described in
11 Paragraph 4, above, are in violation of Sections 10137, 10177(d), and/or 10177(g) of the
12 Business and Professions Code ("Code") and Section 2970 of Title 10, Chapter 6 of the
13 California Code of Regulations ("Regulations") and are a basis for discipline of Respondent's
14 license and license rights as a violation of the Real Estate Law, Part 1 of Division 4 of the Code,
15 pursuant to Code Sections 10177(d), and/or 10177(g).

16 ORDER

17 WHEREFORE, THE FOLLOWING ORDER is hereby made:

18 All licenses and licensed rights of Respondent SHAHRAM ELYASZADEH
19 under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
20 shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code
21 if Respondent makes application therefor and pays to the Bureau of Real Estate the appropriate
22 fee for the restricted license within 90 days from the effective date of this Decision. The
23 restricted license issued to Respondent shall be subject to all of the provisions of Section 10156.7
24 of the Business and Professions Code and to the following limitations, conditions and restrictions
25 imposed under authority of Section 10156.6 of that Code:

26 1. The restricted license issued to Respondent may be suspended prior to hearing
27 by Order of the Real Estate Commissioner in the event of either Respondent's conviction or plea

1 of nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as
2 a real estate licensee.

3 2. The restricted license issued to Respondent may be suspended prior to hearing
4 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
5 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
6 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
7 license.

8 3. Respondent shall not be eligible to petition for the issuance of any unrestricted
9 real estate licenses nor for removal of any of the conditions, limitations or restrictions of a
10 restricted license until two (2) years have elapsed from the effective date of this Decision and
11 Order. Respondent shall not be eligible to apply for any unrestricted licenses until all restrictions
12 attaching to the license have been removed.

13 4. Prior to the effective date of this Decision, and pursuant to Section 10106 of
14 the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost
15 for the investigation which led to this disciplinary action in the amount of \$3,278.40. Said
16 payment shall be in the form of a cashier's check made payable to the Bureau of Real Estate.
17 **Said check must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013,**
18 **Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order. If**
19 Respondent fails to satisfy this condition in a timely manner as provided for herein,
20 Respondent's real estate licenses shall automatically be suspended until payment is made in full,
21 or until a decision providing otherwise is adopted following a hearing held pursuant to this
22 condition.

23 5. Respondent shall within 120 days from the effective date of the Decision and
24 Order herein submit proof satisfactory to the Commissioner of having taken and successfully
25 completed the continuing education course on trust fund accounting and handling specified in
26 paragraph (3) of subdivision (a) of Section 10170.5 of the Code. If Respondent fails to satisfy
27 this condition, Respondent's real estate license shall be automatically suspended until he presents

1 evidence satisfactory to the Commissioner of having taken and successfully completed the trust
2 fund accounting and handling course. **Proof of completion of the continuing education course**
3 **must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento,**
4 **CA 95813-7013.**

5 6. Respondent shall, within six (6) months from the effective date of this
6 Decision and Order herein, take and pass the Professional Responsibility Examination
7 administered by the Bureau including the payment of the appropriate examination fee. If
8 Respondent fails to satisfy this condition, his real estate license shall be automatically suspended
9 until he passes the examination.

10 7. Respondent shall, within nine (9) months from the effective date of this
11 Decision and Order, present evidence satisfactory to the Real Estate Commissioner that he has,
12 since the most recent issuance of an original or renewal real estate license, taken and successfully
13 completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate
14 Law for renewal of a real estate license. Evidence of continuing education submitted in
15 connection with a real estate license renewal within nine (9) months prior to the effective date of
16 this Decision and Order shall be deemed to satisfy this condition. If Respondent fails to satisfy
17 this condition, then Respondent's real estate license shall be automatically suspended until he
18 presents evidence satisfactory to the Commissioner of having taken and successfully completed
19 the continuing education requirements. Proof of completion of the continuing education courses
20 must be delivered to the Bureau of Real Estate, Flag Section, P.O. Box 137013, Sacramento, CA
21 95813-7013.

22
23
24 DATED: 1-22-18

25 
26 Amelia V. Vetrone, Counsel for the
27 Bureau of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation. 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 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights, including 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

Respondent shall mail the original signed signature page of the stipulation herein to Amelia V. Vetrone: Attention: Legal Section, Bureau of Real Estate, 320 W. Fourth St., Suite 350, Los Angeles, California 90013-1105.

Respondent's signature below constitutes acceptance and approval of the terms and conditions of this Stipulation. Respondent agrees, acknowledges and understands that by signing this Stipulation Respondent is bound by its terms as of the date of such signature and that this agreement is not subject to rescission or amendment at a later date except by a separate Decision and Order of the Real Estate Commissioner.

DATED: 1/18/2018



SHAHRAM ELYASZADEH
Respondent

DATED: 1/18/2018



Steven J. Haber
Counsel for Respondent
Approved as to Form

The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondent SHAHRAM ELYASZADEH and shall become effective at 12 o'clock noon on

2/28/18

IT IS SO ORDERED 2/1/18

WAYNE S. BELL
Real Estate Commissioner



By: DANIEL J. SANDRI
Chief Deputy Commissioner