

1 Department of Real Estate
2 320 W. 4th Street, Suite 350
3 Los Angeles, CA 90013-1105
4 Telephone: (213) 576-6982

FILED

JUN - 3 2019

DEPT. OF REAL ESTATE

By *[Signature]*

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7
8 **BEFORE THE DEPARTMENT OF REAL ESTATE**

9 **STATE OF CALIFORNIA**

10 * * *

11 In the Matter of the Accusation of)
12)
13 GERALD VERDE DIZA, doing business)
14 as Pacific Restaurant Brokers, and)
15 STEVE SOHEIL TORABI,)
16 Respondents.)

No. H-41193 LA
OAH No. 2019020654

STIPULATION AND AGREEMENT

17 It is hereby stipulated by and between Respondents GERALD VERDE DIZA,
18 doing business as Pacific Restaurant Brokers, and STEVE SOHEIL TORABI (sometimes
19 collectively referred to as "Respondents"), acting by and through their attorney, Jozef G. Magyar
20 Esq., and the Complainant, acting by and through Judith B. Vasan, Counsel for the Department
21 of Real Estate, as follows for the purpose of settling and disposing of the Accusation
22 ("Accusation") filed on October 26, 2018, in this matter:

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

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1 2. Respondents have received, read and understand the Statement to Respondent,
2 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
3 (“Department”) in this proceeding.

4 3. Respondents each filed a Notice of Defense pursuant to Section 11506 of the
5 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.
6 Respondents hereby freely and voluntarily withdraw said Notices of Defense. Respondents
7 acknowledge that they understand that by withdrawing said Notices of Defense they thereby
8 waive their right to require the Commissioner to prove the allegations in the Accusation at a
9 contested hearing held in accordance with the provisions of the APA and that they will waive
10 other rights afforded to them in connection with the hearing such as the right to present evidence
11 in their defense, and the right to cross-examine witnesses.

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

18 5. This Stipulation is made for the purpose of reaching an agreed disposition of
19 this proceeding and is expressly limited to this proceeding and not any other proceeding or case
20 in which the Department, or another licensing agency of this state, another state, or the federal
21 government is involved, and otherwise shall not be admissible in any criminal or civil
22 proceeding.

23 6. It is understood by the parties that the Real Estate Commissioner may adopt
24 this Stipulation as his Decision in this matter thereby imposing the penalty and sanctions on
25 Respondents’ real estate licenses and license rights as set forth in the below “Order”. In the
26 event that the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall
27 be void and of no effect and Respondents shall retain the right to a hearing and proceed on the

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1 Accusation under the provisions of the APA and shall not be bound by any stipulation or waiver
2 made herein.

3 7. The Order or any subsequent Order of the Real Estate Commissioner made
4 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
5 administrative or civil proceedings by the Department with respect to any matters which were
6 not specifically alleged to be causes for accusation in this proceeding.

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 Respondent GERALD VERDE DIZA, as set
11 forth in the Accusation, are in violation of Code sections 10137, 10140.6, and 10159.5 and
12 Section 2773 of Title 10, Chapter 6 of the California Code of Regulations, and are a basis for
13 discipline of Respondent GERALD VERDE DIZA's license(s) and license rights pursuant to
14 Code sections 10177(d) and/or 10177(g).

15 The conduct, acts or omissions of Respondent STEVE SOHEIL TORABI as set
16 forth in the Accusation, are in violation of Code sections 10130 and 10131 and are a basis for
17 discipline of Respondent STEVE SOHEIL TORABI's license(s) and license rights pursuant to
18 Code sections 10177(d) and/or 10177(g).

19 ORDER

20 WHEREFORE, THE FOLLOWING ORDER is hereby made:

21 I.

22 1. Respondent GERALD VERDE DIZA is publicly reprovded.

23 2. Respondent STEVE SOHEIL TORABI is publicly reprovded.

24 II.

25 All licenses and license rights of Respondents are indefinitely suspended unless
26 or until Respondents pay the sum of \$3,564.90 for the Commissioner's reasonable costs of the
27 investigation and enforcement, which led to this disciplinary action. Respondents are jointly and

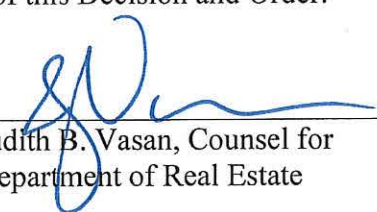
STIPULATION AND AGREEMENT

1 severally liable for the costs of the investigation and enforcement. Said payment shall be in the
2 form of a cashier's check made payable to the Department of Real Estate. The investigative and
3 enforcement costs must be delivered to the Department of Real Estate, Flag Section, at P.O. Box
4 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

5 III.

6 All licenses and license rights of Respondent GERALD VERDE DIZA are
7 indefinitely suspended unless or until Respondent GERALD VERDE DIZA provides proof
8 satisfactory to the Commissioner of having taken and successfully completed a Department
9 approved continuing education course on management and supervision as specified in Code
10 section 10170.5(a)(6). Proof of satisfaction of this requirement includes evidence that
11 Respondent GERALD VERDE DIZA has successfully completed the management and
12 supervision continuing education course no earlier than 120 days prior to the effective date of the
13 Decision and Order in this matter. Proof of completion of the course must be delivered to the
14 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013,
15 within thirty (30) days from the effective date of this Decision and Order.

16
17 DATED: 5-3-2019

18 
19 Judith B. Vasan, Counsel for
20 Department of Real Estate

21 * * *

22 EXECUTION OF THE STIPULATION


23 We have read the Stipulation, have discussed it with our counsel, and its terms are
24 understood by us and are agreeable and acceptable to us. We understand that we are waiving
25 rights given to us by the California Administrative Procedure Act (including but not limited to
26 Sections 11506, 11508, 11509 and 11513 of the Government Code), and we willingly,
27 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 we would have
the right to cross-examine witnesses against us and to present evidence in defense and mitigation

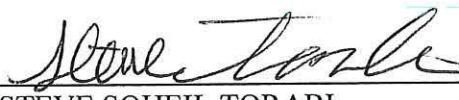
STIPULATION AND AGREEMENT


1 of the charges.

2 Respondents shall mail the original signed signature page of the stipulation herein
3 to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,
4 Suite 350, Los Angeles, California 90013-1105.

5 Respondents' signatures below constitute acceptance and approval of the terms and
6 conditions of this Stipulation. Respondents agree, acknowledge and understand that by signing
7 this Stipulation, Respondents are bound by its terms as of the date of such signatures and that this
8 agreement is not subject to rescission or amendment at a later date except by a separate Decision
9 and Order of the Real Estate Commissioner.

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11 DATED: 4/19/19 
12 GERALD VERDE DIZA
13 Respondent

14 DATED: 4/19/19 
15 STEVE SOHEIL TORABI
16 Respondent

17 DATED: 4/30/19 
18 Jozef G. Magyar, Esq.
19 Counsel for Respondents
20 Approved as to Form

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The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
Respondents GERALD VERDE DIZA, doing business as Pacific Restaurant Brokers, and
STEVE SOHEIL TORABI, and shall become effective at 12 o'clock noon on
JUN 24 2019.

IT IS SO ORDERED May 28, 2019.

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

Daniel J. Sandri