

1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013

4 (213) 576-6982

FILED

JAN 17 2020

DEPT. OF REAL ESTATE

By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) No. H-41355 LA
12)
13 KABIR MASUD,)
14 Respondent.) STIPULATION AND AGREEMENT
15)

16 It is hereby stipulated by and between Respondent KABIR MASUD
17 ("Respondent"), acting by and through Jay Belshaw, Counsel for Respondent, and the
18 Complainant, acting by and through Andrea Bentler, Counsel for the Department of Real Estate,
19 as follows for the purpose of settling and disposing of the Accusation filed on May 8, 2019, in
20 this matter:

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

26 2. Respondent has received, read and understands the Statement to Respondent,
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STIPULATION AND AGREEMENT – H-41355 LA

1 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
2 in this proceeding.

3 3. On or about May 20, 2019, Respondent filed a Notice of Defense pursuant to
4 Section 11506 of the Government Code for the purpose of requesting a hearing on the
5 allegations in the Accusation. Respondent hereby freely and voluntarily withdraws said Notice
6 of Defense. Respondent acknowledges that he understands that by withdrawing said Notice of
7 Defense he will thereby waive his right to require the Real Estate Commissioner
8 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in
9 accordance with the provisions of the APA and that he will waive other rights afforded to him in
10 connection with the hearing such as the right to present evidence in defense of the allegations in
11 the Accusation and the right to cross-examine witnesses.

12 4. Respondent, pursuant to the limitations set forth below, hereby admits that the
13 factual allegations of the Accusation filed in this proceeding are true and correct and the
14 Commissioner shall not be required to provide further evidence of such allegations.

15 5. Respondent understands that by agreeing to this Stipulation, Respondent
16 agrees to pay, pursuant to Section 10106 of the California Business and Professions Code
17 ("Code"), the costs of the investigation and enforcement which resulted in the determination
18 that Respondent committed the violations as set forth in the below "Determination of Issues."
19 The amount of said costs is \$112.60.

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

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

5 DETERMINATION OF ISSUES

6 By reason of the foregoing stipulations, admissions and waivers and solely for
7 the purpose of settlement of the pending Accusation without a hearing, it is stipulated and
8 agreed that the following determination of issues shall be made:

9 The conduct, acts or omissions of Respondent KABIR MASUD, as set forth in
10 the Accusation constitutes grounds for suspension or revocation of Respondent's real estate
11 license and license rights under the provisions of Sections 10177(f) and 10177(g) of the Code.

12 ORDER

13 WHEREFORE, THE FOLLOWING ORDER is hereby made:

14 All licenses and licensing rights of Respondent KABIR MASUD under the Real
15 Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be
16 issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes application
17 therefor and pays to the Department of Real Estate the appropriate fee for the restricted license
18 within 90 days from the effective date of this Decision. The restricted license issued to
19 Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
20 following limitations, conditions and restrictions imposed under authority of that Code:

21 1. The restricted license issued to Respondent may be suspended prior to hearing
22 by Order of the Commissioner in the event of Respondent's conviction or plea of nolo
23 contendere to a crime which is substantially related to Respondent's fitness or capacity as a real
24 estate licensee.

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

3 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
4 real estate license, nor for the removal of any of the conditions, limitations or restrictions of a
5 restricted license or license endorsement until two (2) years have elapsed from the effective date
6 this Decision.

7 4. Respondent shall, within nine months from the effective date of this Decision,
8 present evidence satisfactory to the Commissioner that Respondent has, since the most recent
9 issuance of an original or renewal real estate license, taken and successfully completed the
10 continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
11 of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order
12 the suspension of the restricted license until the Respondent presents such evidence. The
13 Commissioner shall afford Respondent the opportunity for a hearing pursuant to the APA to
14 present such evidence.

15 5. Respondent shall submit with any application for license under an employing
16 broker, or any application for transfer to a new employing broker, a statement signed by the
17 prospective employing real estate broker on a form approved by the Department of Real Estate
18 which shall certify:

19 (a) That the employing broker has read the Decision of the Commissioner
20 which granted the right to a restricted license; and

21 (b) That the employing broker will exercise close supervision over the
22 performance by the restricted licensee relating to activities for which a real estate license is
23 required.

24 6. Respondent shall notify the Commissioner in writing within 72 hours of any
25 arrest by sending a certified letter to the Commissioner at the Department of Real Estate, P.O.
26 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
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1 arrest, the crime for which Respondent was arrested and the name and address of the arresting
2 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
3 independent violation of the terms of the restricted license and shall be grounds for the
4 suspension or revocation of that license.

5 7. Respondent shall, prior to the issuance of the restricted license as a condition of
6 the issuance of said restricted license and endorsement pay the sum of \$112.60 for the
7 Commissioner's reasonable costs of the investigation and enforcement which led to this
8 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
9 Department of Real Estate. The investigative and enforcement costs must be delivered to the
10 Department of Real Estate, Flag Section, at P.O. Box 137013, Sacramento, CA 95813-7013,
11 prior to the effective date of this Order. If Respondent fails to satisfy this condition, the
12 Commissioner shall order the suspension of the restricted license and endorsement until the
13 Respondent presents evidence of payment. The Commissioner shall afford Respondent the
14 opportunity for a hearing pursuant to the APA to present such evidence that payment was timely
15 made. The suspension shall remain in effect until payment is made in full or until a decision
16 providing otherwise is adopted following a hearing held pursuant to this condition.

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19 DATED: 10/21/2019

Andrea Bentler
Andrea Bentler, Counsel for Complainant

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21 * * *

22 I have read the Stipulation and Agreement, and its terms are understood by me
23 and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the
24 APA (including, but not limited to Sections 11506, 11508, 11509 and 11513 of the Government
25 Code), and I willingly, intelligently and voluntarily waive those rights, including the right of
26 requiring the Commissioner to prove the allegations in the Accusation at a hearing at which I
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1 would have the right to cross-examine witnesses against me and to present evidence in defense
2 and mitigation of the charges.

3 Respondent agrees, acknowledges and understands that by signing this
4 Stipulation and Agreement he is bound by its terms as of the date of such signature and that such
5 agreement is not subject to rescission or amendment at a later date except by a separate Decision
6 and Order of the Commissioner.

7 Respondent can signify acceptance and approval of the terms and conditions of
8 this Stipulation and Agreement by sending a hard copy of the original signed signature page(s)
9 of the Stipulation herein to Andrea Bentler, Legal Section, Department of Real Estate, 320 W.
10 Fourth Street, Suite 350, Los Angeles, California, 90013-1105.

11 In the event of time constraints before an administrative hearing, Respondent can
12 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
13 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
14 Department counsel assigned to this case. Respondent agrees, acknowledges and understands
15 that by electronically sending the Department a scan of Respondent's actual signature as it
16 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
17 binding on Respondent as if the Department had received the original signed Stipulation and
18 agreement.

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20
21 DATED: 10-17-19


KABIR MASUD, Respondent

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I have reviewed this Stipulation and Agreement as to form and content and have advised my client accordingly.

10-17-19

Dated

J. W. Buchanan

Jay Belshaw

Attorney for Respondent

* * *

The foregoing Stipulation and Agreement is hereby adopted as my Decision in this matter and shall become effective at 12 o'clock noon on _____.

IT IS SO ORDERED _____

DANIEL J. SANDRI
ACTING REAL ESTATE COMMISSIONER

1 *I have reviewed this Stipulation and Agreement as to form and content and have advised*
2 *my client accordingly.*

3
4
5 Dated _____

Jay Belshaw
Attorney for Respondent

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7 * * *

8 The foregoing Stipulation and Agreement is hereby adopted as my Decision in
9 this matter and shall become effective at 12 o'clock noon on **FEB 07 2020**.

10 IT IS SO ORDERED **DEC 26 2019**.

11 SANDRA KNAU
12 ACTING REAL ESTATE COMMISSIONER

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