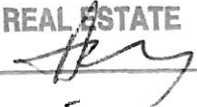


FILED

FEB 18 2021

DEPT. OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	No. H-41450 LA
	)	
TOP TEAM REALTY INC and	)	<u>STIPULATION AND AGREEMENT</u>
SIRAJ HASSANALLY,	)	
individually and as designated officer of	)	
Top Team Realty Inc,	)	
	)	
Respondents.	)	
	)	

It is hereby stipulated by and between Respondents TOP TEAM REALTY INC and SIRAJ HASSANALLY ("Respondents"), represented by Scott J. Harris, and the Complainant, acting by and through Steve Chu, Counsel for the Department of Real Estate ("Department"), as follows for the purpose of settling and disposing of the Accusation filed on August 1, 2019, in this matter:

1. All issues which were to be contested and all evidence which was to be presented by Complainant and Respondents 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").

///

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

4 3. On August 12, 2019, Respondents filed a Notice of Defense pursuant to
5 Section 11506 of the Government Code for the purpose of requesting a hearing on the
6 allegations in the Accusation. Respondents hereby freely and voluntarily withdraw said Notice
7 of Defense. Respondents acknowledge that Respondents understand that by withdrawing said
8 Notice of Defense, Respondents will thereby waive Respondents' right to require the Real
9 Estate Commissioner ("Commissioner") to prove the allegations in the Accusation at a
10 contested hearing held in accordance with the provisions of the APA and that Respondents will
11 waive other rights afforded to Respondents in connection with the hearing such as the right to
12 present evidence in defense of the allegations in the Accusation and the right to cross-examine
13 witnesses.

14 4. Respondents, pursuant to the limitations set forth below, hereby admit
15 that the factual allegations in the Accusation filed in this proceeding are true and correct and the
16 Commissioner shall not be required to provide further evidence to prove such allegations.

17 5. It is understood by the parties that the Real Estate Commissioner may
18 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions
19 on Respondents' real estate licenses and license rights as set forth in the below Order. In the
20 event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
21 and of no effect, and Respondents shall retain the right to a hearing and proceeding on the
22 Accusation under all the provisions of the APA and shall not be bound by any admission or
23 waiver made herein.

24 6. The Order or any subsequent Order of the Commissioner made pursuant
25 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
26 civil proceedings by the Department with respect to any matters which were not specifically
27 alleged to be causes for the Accusation in this proceeding.

[illegible]

I.

II.

ORDER

I.

1. Sixty (60) days of said suspension shall be stayed, upon the condition that petitions pursuant to Code Section 10175.2 and pays a monetary penalty under Code Section 10175.2 at a rate of one hundred dollars (\$100) for each day of the suspension, up to a total monetary penalty of \$6,000, and upon the following terms and conditions:

///

///

///

- 1 a. Said payment shall be in the form of a cashier's check made
2 payable to the Department of Real Estate. Said check must be
3 delivered to the Department of Real Estate, Flag Section at
4 P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective
5 date of this Decision and Order.
- 6 b. No final determination be made after hearing or upon stipulation
7 that cause for disciplinary against any of the real estate licenses or
8 license rights of Respondent occurred within two (2) years from the
9 effective date of this Decision and Order.
- 10 c. If Respondent fails to pay the monetary penalty in accordance
11 with the terms and conditions of this Decision and Order, the
12 suspension shall go into effect automatically. Respondent shall not
13 be entitled to any repayment or credit, prorated or otherwise, for any
14 money paid to the Department under the terms of this Decision and
15 Order.
- 16 d. If Respondent pays the monetary penalty and all other money due
17 under this Stipulation and Agreement and if no final determination be
18 made after hearing or upon stipulation that cause for disciplinary
19 against any of the real estate licenses or license rights of Respondent
20 occurred within two (2) years from the effective date of this Decision
21 and Order, then the entire stay hereby granted pursuant to this
22 Decision and Order shall become permanent.

23 ///

24 ///

25 ///

26 ///

27 ///

1 2. All licenses and licensing rights of TOP TEAM REALTY INC are
2 indefinitely suspended unless or until Respondent TOP TEAM REALTY INC pays, jointly and
3 severally with Respondent SIRAJ HASSANALLY, the sum of \$7,897.86 for the
4 Commissioner's cost of the audit which led to this disciplinary action. Respondent TOP
5 TEAM REALTY INC shall pay such cost within sixty (60) days of receiving an invoice
6 therefore from the Commissioner. Said payment shall be in the form of a cashier's check made
7 payable to the Department of Real Estate. The audit cost must be delivered to the Department
8 of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

9 3. All licenses and licensing rights of Respondent TOP TEAM REALTY
10 INC are indefinitely suspended unless or until Respondent TOP TEAM REALTY INC pays,
11 jointly and severally with Respondent SIRAJ HASSANALLY, the sum of \$1,855.05 for the
12 Commissioner's reasonable cost of the investigation and enforcement which led to this
13 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
14 Department of Real Estate. The investigative and enforcement costs must be delivered to the
15 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
16 prior to the effective date of this Decision and Order.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

4. Respondent TOP TEAM REALTY INC shall pay the Commissioner's reasonable cost, not to exceed \$9,872.32, for any subsequent audit to determine if Respondent TOP TEAM REALTY INC has corrected the violations found in the Determination of Issues. In calculating the amount of the Commissioner's reasonable cost, the Commissioner may use the estimated average hourly salary for all persons performing audits of real estate brokers, and shall include an allocation for travel time to and from the auditor's place of work. Respondent TOP TEAM REALTY INC shall pay such cost within sixty (60) days of receiving an invoice therefore from the Commissioner. If Respondent TOP TEAM REALTY INC fails to satisfy this condition in a timely manner as provided for herein, Respondent TOP TEAM REALTY INC'S real estate licenses shall automatically be suspended until payment is made in full, or until a decision providing otherwise is adopted following a hearing held pursuant to this condition.

II.

All licenses and licensing rights of Respondent SIRAJ HASSANALLY under the Real Estate Law are suspended for a period of sixty (60) days from the effective date of this Decision and Order; provided, however, that:

1. Sixty (60) days of said suspension shall be stayed, upon the condition that Respondent petitions pursuant to Code Section 10175.2 and pays a monetary penalty pursuant to Code Section 10175.2 at a rate of one hundred dollars (\$100) for each day of the suspension for a total monetary penalty of \$6,000, and upon the following terms and conditions:

a. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. Said check must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.

III

///

1 b. No final determination be made after hearing or upon stipulation
2 that cause for disciplinary against any of the real estate licenses or
3 license rights of Respondent occurred within two (2) years from the
4 effective date of this Decision and Order.

5 c. If Respondent fails to pay the monetary penalty in accordance
6 with the terms and conditions of this Decision and Order, the
7 suspension shall go into effect automatically. Respondent shall not
8 be entitled to any repayment or credit, prorated or otherwise, for any
9 money paid to the Department under the terms of this Decision and
10 Order.

11 d. If Respondent pays the monetary penalty and all other money due
12 under this Stipulation and Agreement and if no final determination be
13 made after hearing or upon stipulation that cause for disciplinary
14 against any of the real estate licenses or license rights of Respondent
15 occurred within two (2) years from the effective date of this Decision
16 and Order, then the entire stay hereby granted pursuant to this
17 Decision and Order shall become permanent.

18 2. All licenses and licensing rights of Respondent are indefinitely
19 suspended unless or until Respondent provides proof satisfactory to the Commissioner of
20 having taken and successfully completed the continuing education course on trust fund
21 accounting and handling specified in Code section 10170.5(a)(3). Proof of satisfaction of this
22 requirement includes evidence that Respondent has successfully completed the trust fund
23 accounting and handling continuing education course within one hundred twenty (120) days
24 prior to the effective date of this Decision and Order. Proof of completion of the trust fund
25 accounting and handling course must be delivered to the Department of Real Estate,
26 Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, prior to the effective date of
27 this Decision and Order.

1 3. Respondent shall, within twelve (12) months from the effective date of
2 this Decision and Order, take and pass the Professional Responsibility Examination
3 administered by the Department including the payment of the appropriate examination fee. If
4 the Department has not resumed administration of the Professional Responsibility Examination
5 in that time period, the deadline shall be extended until the Department resumes administration.
6 If Respondent fails to satisfy this condition, all of Respondent's real estate licenses and license
7 rights shall automatically be suspended until Respondent passes the examination.

8 4. All licenses and licensing rights of Respondent SIRAJ HASSANALLY
9 are indefinitely suspended unless or until Respondent SIRAJ HASSANALLY pays, jointly and
10 severally with Respondent TOP TEAM REALTY INC, the sum of \$7,897.86 for the
11 Commissioner's cost of the audit which led to this disciplinary action. Respondent SIRAJ
12 HASSANALLY shall pay such cost within sixty (60) days of receiving an invoice therefore
13 from the Commissioner. Said payment shall be in the form of a cashier's check made payable
14 to the Department of Real Estate. The audit cost must be delivered to the Department of Real
15 Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013.

16 5. All licenses and licensing rights of Respondent SIRAJ HASSANALLY
17 are indefinitely suspended unless or until Respondent SIRAJ HASSANALLY pays, jointly and
18 severally with Respondent TOP TEAM REALTY INC, the sum of \$1,855.05 for the
19 Commissioner's reasonable cost of the investigation and enforcement which led to this
20 disciplinary action. Said payment shall be in the form of a cashier's check made payable to the
21 Department of Real Estate. The investigative and enforcement costs must be delivered to the
22 Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013,
23 prior to the effective date of this Decision and Order.

24
25 DATED: 12-31-2020



Steve Chu, Counsel
Department of Real Estate

26
27 ///

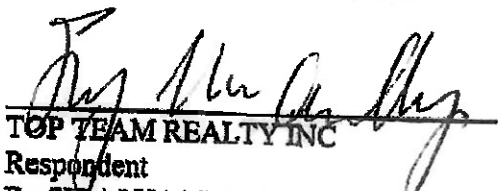
* * *

We have read the Stipulation and Agreement. We understand that we are waiving rights given to us by the California Administrative Procedure Act, (including but not limited to sections 11521 and 11523 of the Government Code), and we willingly, intelligently, and voluntarily waive those rights, including the right to seek reconsideration and the right to seek judicial review of the Commissioner's Decision and Order by way of a writ of mandate.

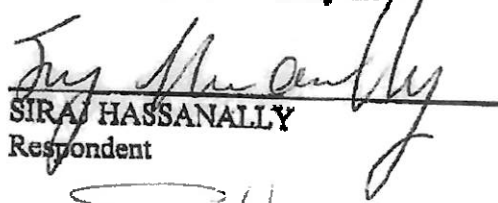
We agree, acknowledge, and understand that we cannot rescind or amend this Stipulation and Agreement.

We can signify acceptance and approval of the terms and conditions of this Stipulation and Agreement by mailing the original signed Stipulation and Agreement to: Steve Chu, Department of Real Estate, 320 West 4th Street, Suite 350, Los Angeles, California 90013-1105. Steve Chu must receive the original signed Stipulation and Agreement or a copy faxed to (213) 576-6917 by December 31, 2020; if not, this Stipulation and Agreement is invalid and void because the sum for the Commissioner's reasonable cost of the investigation and enforcement which led to this disciplinary action will increase.

DATED: 12-14-20


TOP TEAM REALTY INC
Respondent
By SIRAJ HASSANALLY, as designated
officer of Top Team Realty Inc

DATED: 12-14-20


SIRAJ HASSANALLY
Respondent

DATED: December 14, 2020


Scott J. Harris
Counsel for Respondents
Approved as to Form

///

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

The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondents TOP TEAM REALTY INC and
SIRAJ HASSANALLY, and shall become effective at 12 o'clock noon
on March 19, 2021.

IT IS SO ORDERED

2-10-21

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley