

1 Department of Real Estate
2 320 West 4th Street, Suite 350
3 Los Angeles, California 90013
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FILED

OCT 05 2020

DEPT. OF REAL ESTATE

By

John Aguirre

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6
7 BEFORE THE DEPARTMENT OF REAL ESTATE
8 STATE OF CALIFORNIA
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10 In the Matter of the Application of) No. H-41645 LA
11)
12 NIMA STEPHEN VOKSHORI,) STIPULATION AND
13) AGREEMENT
14 Respondent.)

15 Respondent NIMA STEPHEN VOKSHORI ("Respondent") is currently licensed
16 by the Department of Real Estate. Respondent is licensed as a real estate broker from
17 December 12, 2011 until December 29, 2023.

18 FACTUAL BASIS

19 On or about January 26, 2018, Respondent entered into a stipulation with the
20 California State Bar ("State Bar") wherein the State Bar Court found the following three
21 violations by Respondent:

- 22 (a) By collecting advanced fees from a client for legal services related to
23 loan modification in violation of California Civil Code section 2944.7,
24 Respondent violated Business and Professions Code ("Code") section
25 6068(a);

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- 1 (b) By collecting advanced fees from a client for legal services related to
2 loan modification in violation of California Civil Code section 2944.7,
3 Respondent violated California Rules of Professional Conduct ("CRPC")
4 rule 4.200(A); and
- 5 (c) By seeking an agreement that professional misconduct shall not be
6 reported to the State Bar, Respondent violated Code section 6095.5(a)(1).

7 On or about May 10, 2018, the State Bar Court issued an order that suspended
8 the Respondent from the practice of law in California for two years, stayed that suspension, and
9 placed the Respondent on probation for two years subject to certain terms and conditions,
10 including an actual suspension from the practice of law for the first 30 days of probation.

11 Respondent's State Bar discipline was effective June 9, 2018. Pursuant to Code
12 section 10186.2, Respondent was required to report the State Bar disciplinary action to the
13 Department by July 8, 2018. Respondent failed to timely report the State Bar discipline.

14 On or about December 21, 2019, Respondent made an application to renew his
15 broker license to the Department of Real Estate. In response to Question 18 that asked if he has
16 ever had any denied, suspended, restricted or revoked business or professional license in
17 California or any other state within six years prior to filing the renewal application, Respondent
18 marked "NO" and failed to disclose the May 10, 2018 California State Bar order.

19 ACKNOWLEDGMENTS AND VOLUNTARY WAIVER OF RIGHTS

20 It is hereby stipulated by and between Respondent and the Department of Real
21 Estate, acting by and through Kathy Yi, Counsel for the Department of Real Estate
22 ("Department"), as follows:

- 23 1. All issues relating to the Department's investigation of Respondent's
24 acts, and all evidence which may be presented by the Department and Respondents at a formal
25 disciplinary hearing held in accordance with the provisions of the Administrative Procedure Act
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1 ("APA") resulting from the Department's investigation shall instead and in place thereof be
2 submitted on the basis of the provisions of this Stipulation and Agreement ("Stipulation").

3 2. Respondent hereby waives Respondent's right to a formal hearing under
4 the provisions of the APA regarding the Factual Basis set forth above, and the Determination of
5 Issues set forth below.

6 3. Respondent acknowledges that Respondent understands that by waiving
7 Respondent's right to notice of the charges brought against Respondent by the Department, and
8 Respondent's right to file a Notice of Defense requesting a formal hearing under the APA,
9 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner
10 ("Commissioner") to prove the allegations which would be alleged in a formal Accusation at a
11 contested hearing held in accordance with the provisions of the APA and that Respondent will
12 waive other rights afforded to Respondent in connection with a hearing such as the right to
13 present evidence in defense of the allegations in the Accusation and the right to cross-examine
14 witnesses.

15 4. It is understood by the parties that the Real Estate Commissioner may
16 adopt the Stipulation as his Decision in this matter, thereby imposing the penalty and sanctions
17 on all of Respondent's real estate licenses and license rights as set forth in the below Order. In
18 the event that the Commissioner in his discretion does not adopt the Stipulation, it shall be void
19 and of no effect.

20 5. The Order or any subsequent Order of the Commissioner made pursuant
21 to this Stipulation shall not constitute an estoppel, merger or bar to any further administrative or
22 civil proceedings by the Department with respect to any matters which were not specifically
23 alleged as grounds for discipline in this matter.

24 DETERMINATION OF ISSUES

25 By reason of the foregoing stipulations, admissions, and waivers, and solely for
26 the purpose of settlement of the Department's investigation of Respondent's acts requiring a real
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estate license without hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

The acts and omissions of Respondent, as described in the Factual Basis set forth above, constitute cause for the suspension or revocation of all real estate licenses and license rights of Respondent NIMA STEPHEN VOKSHORI under Code sections 10177(a), 10177(f), and 10186.2.

ORDER

All licenses and licensing rights of Respondent NIMA STEPHEN VOKSHORI-
under the Real Estate Law are revoked; provided, however, a restricted real estate broker license
shall be issued to Respondent pursuant to Section 10156.5 of the Code if Respondent makes
application therefor and pays to the Bureau the appropriate fee for the restricted license within
ninety (90) days from the effective date of this Decision. The restricted license issued to
Respondent shall be subject to all of the provisions of Section 10156.7 of the Code and to the
following limitations, conditions, and restrictions imposed under Section 10156.6 of the Code:

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

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

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

1 Decision and Order.

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

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10 DATED: JUNE 10, 2020


Kathy Yi, Counsel
Department of Real Estate

13 * * *

14 Respondent has read this Stipulation and Agreement, and its terms are understood by
15 Respondent and are agreeable and acceptable to Respondent. Respondent understands that
16 Respondent is waiving rights given to Respondent by the California Administrative Procedure
17 Act (including, but not limited to, California Government Code sections 11506, 11508, 11509,
18 and 11513), and Respondent willingly, intelligently, and voluntarily waives those rights,
19 including, but not limited to, the right to a hearing on an Accusation at which Respondent would
20 have the right to cross-examine witnesses against Respondent and to present evidence in
21 defense and mitigation of the charges.

22 Respondent shall send a hard copy of the original signed Stipulation and Agreement to
23 Department of Real Estate, Legal Section, Attn: Kathy Yi at 320 West 4th St., Ste. 350, Los
24 Angeles, CA 90013-1105.

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26 DATED: 05/25/20


NIMA STEPHEN VOKSHORI, Respondent

The foregoing Stipulation and Agreement is hereby adopted by me as my
Decision in this matter as to Respondent NIMA STEPHEN VOKSHORI and shall become
effective at 12 o'clock noon on OCT 26 2020.

IT IS SO ORDERED 8.27.20, 2020.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

Douglas R. McCauley