

P4e?

FILED
FEB 19 2021
DEPT. OF REAL ESTATE
@Selon

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

Telephone: (213) 576-6982

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of	)	No. H-41690 LA
MAHER HALIM KALDAS,	)	<u>STIPULATION</u>
Respondent.	)	<u>AND</u>
	)	<u>AGREEMENT</u>

It is hereby stipulated by and between Respondent MAHER HALIM KALDAS ("Respondent"), acting by and through David A. Sawchak, Counsel for Respondent, and Complainant, acting by and through Andrea Bentler, Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing of the Accusation ("Accusation") filed on June 11, 2020, 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 Department of Real Estate ("Department") 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. However, the parties stipulate that the "restricted license rights" described in
11 paragraph 2, line 23 of the Accusation should have been pled as "license rights." In the interest
12 of expedience and economy Respondent chooses not to contest these allegations but to remain
13 silent and understand that, as a result thereof, these factual allegations, without being admitted or
14 denied, will serve as a prima facie basis for the disciplinary action stipulated to herein. The Real
15 Estate Commissioner shall not be required to provide evidence to prove said factual allegations.

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

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

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

5 8. Respondent understands that by agreeing to this Stipulation, Respondent
6 agrees to pay, pursuant to Business and Professions Code Section 10106, the cost of the
7 investigation of this matter. The amount of said cost is \$1,085.00.

8 DETERMINATION OF ISSUES

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

11 The conduct, acts or omissions of MAHER HALIM KALDAS, as described in
12 Paragraph 4, above, are a basis for discipline of Respondent's license and license rights as a
13 violation of the Real Estate Law, Part 1 of Division 4 of the Business and Professions Code
14 ("Code"), pursuant to Code Section 10177(f).

15 ORDER

16 WHEREFORE, THE FOLLOWING ORDER is hereby made:

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

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

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. Respondent shall notify the Commissioner in writing within 72 hours of any
14 arrest by sending a certified letter to the Commissioner at Department of Real Estate, Post Office
15 Box 137013, Sacramento, CA 95813-7013. The letter shall set forth the date of Respondent's
16 arrest, the crime for which Respondent was arrested, and the name and address of the arresting
17 law enforcement agency. Respondent's failure to timely file written notice shall constitute an
18 independent violation of the terms of the restricted license and shall be grounds for the
19 suspension or revocation of that license.

20 5. Prior to the effective date of this Decision, and pursuant to Section 10106 of
21 the Business and Professions Code, Respondent shall pay the Commissioner's reasonable cost
22 for the investigation which led to this disciplinary action in the amount of \$1,085.00. Said
23 payment shall be in the form of a cashier's check made payable to the Department of Real Estate.
24 **Said check must be delivered to the Department of Real Estate, Flag Section, P.O. Box**
25 **137013, Sacramento, CA 95813-7013, prior to the effective date of this Decision and Order.**
26 If Respondent fails to satisfy this condition in a timely manner as provided for herein,
27 Respondent's real estate license shall automatically be suspended until payment is made in full,

1 or until a decision providing otherwise is adopted following a hearing held pursuant to this
2 condition.

3
4 01/11/2021
5 Dated

Andrea Bentler
Attorney for Department of Real Estate

6
7 * * *

8
9 EXECUTION OF THE STIPULATION

10 I have read the Stipulation. Its terms are understood by me and are agreeable and
11 acceptable to me. I understand that I am waiving rights given to me by the California
12 Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and
13 11513 of the Government Code), and I willingly, intelligently and voluntarily waive those rights,
14 including the right of requiring the Commissioner to prove the allegations in the Accusation at a
15 hearing at which I would have the right to cross-examine witnesses against me and to present
16 evidence in defense and mitigation of the charges.

17 MAILING

18 Respondent shall mail the original signed signature page of the stipulation herein
19 to Andrea Bentler: Attention: Legal Section, Department of Real Estate, 320 W. Fourth St., Suite
20 350, Los Angeles, California 90013-1105.

21 In the event of time constraints before an administrative hearing, Respondent can
22 signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by
23 emailing a copy of the signature page, as actually signed by Respondent, to the Department
24 counsel assigned to this case. Respondent agrees, acknowledges and understands that by
25 electronically sending the Department a copy of Respondent's actual signature as it appears on
26 the Stipulation and Waiver, that receipt of the copy by the Department shall be binding on
27 Respondent as if the Department had received the original signed Stipulation and Waiver.

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

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

11
12
13
14 Dated

1/8/2021


MAHER HALIM KALDAS
Respondent

15
16 I have reviewed this Stipulation and Agreement as to form and content and have
17 advised my client accordingly.

18
19 Dated

1/8/2021


David A. Sawchak
Attorney for Respondent

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 as my Decision as to
Respondent MAHER HALIM KALDAS and shall become effective at 12 o'clock noon on
MAR 11 2021.

IT IS SO ORDERED 2-2-21.

DOUGLAS R. McCAULEY
REAL ESTATE COMMISSIONER

