

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 25 2021

DEPT. OF REAL ESTATE

By *Cal Qelous*

8 BEFORE THE DEPARTMENT OF REAL ESTATE
9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation Against)

12 DAVID JOHN MOUSSIGHI,)

14 Respondent.)

No. H-41872 LA

STIPULATION AND AGREEMENT
IN SETTLEMENT AND ORDER

16 It is hereby stipulated by and between DAVID JOHN MOUSSIGHI (sometimes
17 referred to as "Respondent") and the Complainant, acting by and through Judith B. Vasan,
18 Counsel for the Department of Real Estate, as follows for the purpose of settling and disposing
19 of the Accusation ("Accusation") filed on January 29, 2021, in this matter:

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

25 2. Respondent has received, read and understands the Statement to Respondent,
26 the Discovery Provisions of the APA and the Accusation filed by the Department of Real Estate
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STIPULATION AND AGREEMENT IN SETTLEMENT AND ORDER

1 ("Department") in this proceeding.

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

10 4. Respondent hereby admits that the factual allegations of the Accusation filed
11 in this proceeding are true and correct and the Real Estate Commissioner shall not be required to
12 provide further evidence of such allegations.

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

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

25 7. The Order or any subsequent Order of the Real Estate Commissioner made
26 pursuant to this Stipulation shall not constitute an estoppel, merger or bar to any further
27 administrative or civil proceedings by the Department with respect to any matters which were

1 not specifically alleged to be causes for accusation in this proceeding.

2 DETERMINATION OF ISSUES

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

5 The conduct, acts or omissions of Respondent DAVID JOHN MOUSSIGHI, as
6 set forth in the Accusation, are in violation of the Real Estate Law, Part 1 of Division 4 of the
7 Business and Professions Code ("Code") sections 10130, 10131(d), and 10166.05(c) and are a
8 basis for discipline of Respondent's licenses, license rights, and Mortgage Loan Originator
9 ("MLO") license endorsement pursuant to Code sections 10166.051(b), 10177(d), and/or
10 10177(g).

11 ORDER

12 WHEREFORE, THE FOLLOWING ORDER is hereby made:

13 I.

14 All licenses, license rights, and MLO license endorsements of Respondent
15 DAVID JOHN MOUSSIGHI under the Real Estate Law are suspended for a period of thirty (30)
16 days from the effective date of this Decision; provided, however, that all thirty (30) days of said
17 suspension shall be stayed for one (1) year upon the following terms and conditions:

18 1. Respondent shall obey all laws, rules and regulations governing the rights,
19 duties and responsibilities of a real estate licensee in the State of California; and

20 2. That no final subsequent determination be made, after hearing or upon
21 stipulation, that cause for disciplinary action occurred within one (1) year from the effective date
22 of this Decision and Order. Should such a determination be made, the Commissioner may, in his
23 discretion, vacate and set aside the stay order and reimpose all or a portion of the stayed
24 suspension. Should no such determination be made, the stay imposed herein shall become
25 permanent.

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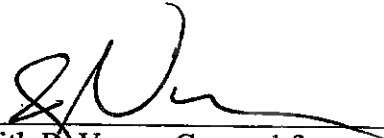
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II.

Respondent shall pay the Commissioner's reasonable costs of the investigation and enforcement which led to this disciplinary action. The total amount of said investigation and enforcement costs is \$1,170.90. Said payment shall be in the form of a cashier's check made payable to the Department of Real Estate. The payment for the investigative and enforcement costs must be delivered to the Department of Real Estate, Flag Section at P.O. Box 137013, Sacramento, CA 95813-7013, within thirty (30) days from the effective date of this Decision and Order. If Respondent fails to pay the costs of the investigation and enforcement in accordance with the terms and conditions of the Decision and Order, all licenses, license rights, and MLO license endorsements of Respondent shall be automatically suspended unless or until Respondent pays the costs of the investigation and enforcement. Respondent shall not be entitled to any repayment nor credit, prorated or otherwise, for money paid to the Department under the terms of this Decision and Order.

DATED: 5-19-2021


Judith B. Vasan, Counsel for
Department of Real Estate

EXECUTION OF THE STIPULATION

I have read the Stipulation and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509 and 11513 of the Government Code), and I willingly, 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 I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent shall mail the original signed signature page of the stipulation herein to Judith B. Vasan, Attention: Legal Section, Department of Real Estate, 320 W. Fourth St.,

1 Suite 350, Los Angeles, California 90013-1105.

2 In the event of time constraints before an administrative hearing, Respondent can
3 signify acceptance and approval of the terms and conditions of this Stipulation and Agreement
4 by emailing a scanned copy of the signature page, as actually signed by Respondent, to the
5 Department counsel assigned to this case. Respondent agrees, acknowledges, and understands
6 that by electronically sending the Department a scan of Respondent's actual signature as it
7 appears on the Stipulation and Agreement that receipt of the scan by the Department shall be
8 binding on Respondent as if the Department had received the original signed Stipulation and
9 Agreement.

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

15
16 DATED: 5/19/21



DAVID JOHN MOUSSIGHI
Respondent

18 The foregoing Stipulation and Agreement is hereby adopted as my Decision as to
19 Respondent DAVID JOHN MOUSSIGHI and shall become effective at 12 o'clock noon on
20 JUL 15 2021

21 IT IS SO ORDERED 6-14-21

23 DOUGLAS R. McCAULEY
24 REAL ESTATE COMMISSIONER

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