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FILED

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DEPT. OF REAL ESTATE

By _____

9 BEFORE THE DEPARTMENT OF REAL ESTATE
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation of) No. H-42880 LA
12)
13 SHAHIN MOTALLEBI,) ACCUSATION
14)
15 Respondent.)
16 _____)

17 The Complainant, Ray G. Dagnino, a Supervising Special Investigator of the State of
18 California, for cause of Accusation against SHAHIN MOTALLEBI ("Respondent"), alleges as
19 follows:

1. 20

21 The Complainant, Ray G. Dagnino, a Supervising Special Investigator of the State of
22 California, makes this Accusation in his official capacity.

2. 23

24 Respondent presently has license rights under the Real Estate Law, Part 1 of Division 4
25 of the California Business and Professions Code ("Code"), as a real estate broker (License ID
26 No. 01394086). Respondent's real estate broker license will expire on July 16, 2027, unless
27 renewed.

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(GROUNDS FOR DISCIPLINE)

DISCIPLINARY ACTION

3.

a. On or about July 21, 2023, in the Supreme Court of the State of California, Case No. S279754, pursuant to the California State Bar Court ("State Bar Court") Case No. SBC-20-O-30226, Respondent was suspended from practice of law in California for one (1) year. The execution of said suspension was stayed, and Respondent was placed on probation for eight (8) years subject to certain terms and conditions.

Said terms and conditions included, in part, the following:

- (1) Complying with other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on March 16, 2023;
- (3) Providing proof that Respondent took and passed the Multistate Professional Responsibility Examination as recommended by the Hearing Department in its Order Approving Stipulation filed on March 16, 2023;
- (4) Complying with California Rules of Court, rules 9.20(a) and 9.20(c) within 30 and 40 calendar days, respectively, after the effective date of November 17, 2021; and
- (5) At the expiration of the probation period, if Respondent has complied with all conditions of probation, the period of stayed suspension will be satisfied and the suspension will be terminated.
- (6) Respondent must pay, no later than thirty (30) days before the end of probation, restitution to each of the two (2) listed payees, M.B. and S.M. Respondent was ordered to make installment payments of the restitution according to the payment schedule set up by the Office of Probation or the State Bar Court.

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b. According to the Stipulation Re Facts, Conclusions of Law and Disposition and Order Approving Stayed Suspension No Actual Suspension, filed on March 16, 2023 in Case No. SBC-23-O-30226 [OCTC Case Nos. 20-O-01007 and 20-O-01925], Respondent was subject to disciplinary action for violating the California Rules of Professional Conduct (“Rules of Professional Conduct”), rule 1.15(a).

(1) In OCTC Case No. 20-O-01007, Respondent violated the Rules of Professional Conduct, rule 1.15(a), in that he failed to maintain in a client trust account a balance of \$100,000.00 on behalf of his client, M.B.

(2) In OCTC Case No. 20-O-01925, Respondent violated the Rules of Professional Conduct, rule 1.15(a), in that he failed to maintain in a client trust account a balance of \$110,754.39 on behalf of his client, S.M.

4.

The disciplinary action, as described in Paragraph 3 above, constitutes cause under ode section 10177(f) for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

FAILURE TO DISCLOSE DISCIPLINARY ACTION IN RENEWAL APPLICATION

5.

a. On or about July 11, 2023, Respondent submitted to the Department of Real Estate (Department) via the Department's eLicensing online system, a Broker Renewal Application (Form RE 208) to renew his broker license, License ID No. 01394086.

b. Item 18 under the “Background Information” section of the Broker Renewal Application asked the following: “Are there any license disciplinary actions pending against a business or professional license you hold at this time? If yes, complete item 22.” Respondent responded to Item 18 by checking the box “No” and did not complete Item 22 that asked for an explanation of Item 18.

c. Respondent's answers of "No" to Item 18 in his Broker Renewal Application, as described in Paragraph 5 above, constitute the procuring, or attempting to procure, a real estate

1 license renewal by fraud, misrepresentation, or deceit, or by making a material misstatement of
2 facts in an application for a real estate license renewal.

3 6.

4 The facts alleged in Paragraph 5 above, constitute cause under Section 10177(a) of the
5 Code for the suspension or revocation of the license and license rights of Respondent under the
6 Real Estate Law.

7 FAILURE TO REPORT DISCIPLINARY ACTION

8 7.

9 Pursuant to Section 10186.2 of the Code, a licensee shall report, in writing, "any
10 disciplinary action taken by another licensing entity or authority of this state" to the
11 Department within thirty (30) days of the disciplinary action. Respondent failed to report in
12 writing to the Department the disciplinary action described in Paragraph 3 above, within thirty
13 (30) days of the disciplinary actions.

14 8.

15 Respondent's failure to timely report the disciplinary action described in Paragraph 3
16 above, within 30 days of the disciplinary actions, constitutes cause under Section 10186.2 of
17 the Code for the suspension or revocation of the license and license rights of Respondent under
18 the Real Estate Law.

19 (COSTS OF INVESTIGATION AND ENFORCEMENT)

20 9.

21 California Business and Professions Code section 10106, provides, in pertinent part,
22 that in any order issued in resolution of a disciplinary proceeding before the Department, the
23 Commissioner may request the administrative law judge to direct a licensee found to have
24 committed a violation of this part to pay a sum not to exceed the reasonable costs of the
25 investigation and enforcement of the case.

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10.

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the California Government Code.

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of SHAHIN MOTALLEBI under the Real Estate Law, for the costs of investigation and enforcement as permitted by law, and for such other and further relief as may be proper under other applicable provisions of law.

Dated in Los Angeles, California, on September 3, 2024.


Ray G. Dagnino
Supervising Special Investigator

cc: SHAHIN MOTALLEBI
Ray G. Dagnino
Sacto.