

JAN 24 2025

DEPT. OF REAL ESTATE

By [REDACTED]

1 DEPARTMENT OF REAL ESTATE  
2 320 West 4th Street, Suite 350  
3 Los Angeles, California 90013-1105  
Telephone: (213) 576-6982

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9  
STATE OF CALIFORNIA

\* \* \*

11 In the Matter of the Accusation of ) No. H-42880 LA  
12 SHAHIN MOTALLEBI, ) OAH No. 2024090444  
13 Respondent. ) **STIPULATION AND AGREEMENT**  
14 ) **IN SETTLEMENT AND ORDER**

15 It is hereby stipulated by and between Respondent SHAHIN MOTALLEBI  
16 ("Respondent"), acting in pro per, and the Complainant, acting by and through Kathy Yi,  
17 Counsel for the Department of Real Estate ("Department"), as follows for the purpose of  
18 settling and disposing of the Accusation filed on September 5, 2024, in this matter:

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

24 2. Respondent has received, read and understands the Statement to  
25 Respondent, the Discovery Provisions of the APA, and the Accusation filed by the Department  
26 of Real Estate in this proceeding.

27 3. Respondent filed a Notice of Defense pursuant to Section 11506 of the

1 Government Code for the purpose of requesting a hearing on the allegations in the Accusation.  
2 Respondent hereby freely and voluntarily withdraws said Notice of Defense. Respondent  
3 acknowledges that Respondent understands that by withdrawing said Notice of Defense,  
4 Respondent will thereby waive Respondent's right to require the Real Estate Commissioner  
5 ("Commissioner") to prove the allegations in the Accusation at a contested hearing held in  
6 accordance with the provisions of the APA and that Respondent will waive other rights  
7 afforded to Respondent in connection with the hearing such as the right to present evidence in  
8 defense of the allegations in the Accusation and the right to cross-examine witnesses.

9       4. Respondent, pursuant to the limitations set forth below, hereby admits  
10 that the factual allegations in the Accusation filed in this proceeding are true and correct and  
11 the Commissioner shall not be required to provide further evidence to prove such allegations.

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

17       6. It is understood by the parties that the Real Estate Commissioner may  
18 adopt the Stipulation as her Decision in this matter, thereby imposing the penalty and sanctions  
19 on Respondent's real estate license and license rights as set forth in the below Order. In the  
20 event that the Commissioner in her discretion does not adopt the Stipulation, it shall be void  
21 and of no effect, and Respondent 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       7. 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.

## DETERMINATION OF ISSUES

By reason of the foregoing stipulations, admissions, and waivers, and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following Determination of Issues shall be made:

The conduct, acts, or omissions of Respondent SHAHIN MOTALLEBI, as described in the Accusation, constitute cause for the suspension or revocation of all real estate licenses and license rights of SHAHIN MOTALLEBI under California Business and Professions Code (“Code”) sections 10177(f), 10177(a), and 10186.2.

## ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent SHAHIN MOTALLEBI 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 Department 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 any

1       unrestricted real estate license nor for the removal of any of the conditions, limitations or  
2       restrictions of a restricted license until at least **two (2) years** have elapsed from the effective  
3       date of this Decision and Order. Respondent shall not be eligible to apply for any unrestricted  
4       license until all restrictions attaching to the license have been removed.

5           4.       Respondent shall submit with any application for license, or with the  
6       application for transfer to a new employing broker, if employed as a broker-associate, a  
7       statement signed by the prospective employing real estate broker, on a form approved by the  
8       Department of Real Estate, which shall certify:

- 9                   (a) That the employing broker has read the Decision of the  
10                   Commissioner which granted the right to a restricted license; and
- 11                   (b) That the employing broker will exercise close supervision over the  
12                   performance by the restricted licensee relating to activities for which  
13                   a real estate license is required.

14           5.       Respondent shall, within nine (9) months from the effective date of this  
15       Decision and Order, present evidence satisfactory to the Commissioner that Respondent has,  
16       since the most recent issuance of an original or renewal real estate license, taken and  
17       successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the  
18       Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this  
19       condition, Respondent's real estate license shall automatically be suspended until Respondent  
20       presents evidence satisfactory to the Commissioner of having taken and successfully completed  
21       the continuing education requirements. Proof of completion of the continuing education  
22       courses must be delivered to the Department of Real Estate, Flag Section at 651 Bannon Street,  
23       Suite 504, Sacramento, CA 95811.

24           6.       Respondent shall notify the Commissioner in writing within 72 hours of  
25       any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
26       Flag Section at 651 Bannon Street, Suite 504, Sacramento, CA 95811. The letter shall set forth  
27       the date of Respondent's arrest, the crime for which Respondent was arrested and the name and

1 address of the arresting law enforcement agency. Respondent's failure to timely file written  
2 notice shall constitute an independent violation of the terms of the restricted license and shall  
3 be grounds for the suspension or revocation of that license.

4           7.        Respondent shall pay the sum of \$1,812.30 for the Commissioner's  
5 reasonable cost of the investigation (\$954.30) and cost of enforcement (\$858.00) which led to  
6 this disciplinary action. Said payment shall be in the form of a cashier's check made payable to  
7 the Department of Real Estate. **The investigative and enforcement costs must be delivered**  
8 **to the Department of Real Estate, Flag Section at 651 Bannon Street, Suite 504,**  
9 **Sacramento, CA 95811, prior to the effective date of this Decision and Order.** Payment of  
10 investigation and enforcement costs should not be made until the Stipulation has been  
11 approved by the Commissioner.

12        8. If Respondent fails to satisfy condition 7, above, Respondent's restricted  
13 license shall be suspended until Respondent presents evidence of payment. The Commissioner  
14 shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure  
15 Act to present such evidence that payment was timely made. The suspension shall remain in  
16 effect until payment is made in full or until a decision providing otherwise is adopted following  
17 a hearing held pursuant to this condition.

19 | DATED: 12/20/2024

Kathy Yi, Counsel  
Department of Real Estate

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## EXECUTION OF THE STIPULATION

24 Respondent has read the Stipulation and Agreement and understands that  
25 Respondent is waiving rights given to Respondent by the California Administrative Procedure  
26 Act, (including but not limited to Sections 11521 and 11523 of the Government Code), and  
27 Respondent willingly, intelligently, and voluntarily waives those rights, including the right to

1 seek reconsideration and the right to seek judicial review of the Commissioner's Decision and  
2 Order by way of a writ of mandate.

19 DATED: December 17, 2024

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**SHAHIN MOTALLEBI**  
**Respondent**

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The foregoing Stipulation and Agreement is hereby adopted by me as my  
Decision in this matter as to Respondent SHAHIN MOTALLEBI and shall become effective at  
12 o'clock noon on FEB 13 2025.

IT IS SO ORDERED 1/13/2025

CHIKA SUNQUIST  
REAL ESTATE COMMISSIONER

By: MARCUS L. McCARTHER  
Chief Deputy Real Estate Commissioner