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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME**
11 **FURNISHINGS AND THERMAL INSULATION**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:
14 **MURAD ALRAWASHDEH**
15 **Furniture and Bedding Retailer License**
16 **Applicant**
17 Respondent.

Case No. AN 2015-497

STATEMENT OF ISSUES

18 Justin Paddock (“Complainant”) alleges:

19 **PARTIES**

20 1. Complainant brings this Statement of Issues solely in his official capacity as the
21 Bureau Chief of the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal
22 Insulation (the “Bureau”), Department of Consumer Affairs.

23 2. On or about June 16, 2015, the Bureau received an *Application for License – Home*
24 *Furnishings (General)* from Murad Alrawashdeh, also known as Murad Fayeaz Rawashdeh,
25 Murad Fayelal Rawashdea, Murad Fayed Rawashdeh, and Murad Fayeaz Alrawashdeh
26 (“Respondent”), doing business as Elegant Furniture, for a license as a furniture and bedding
27 retailer. On or about July 2, 2015, the Bureau received from Respondent an *Applicant*
28 *Questionnaire* setting forth Respondent’s criminal convictions in more detail. Respondent

1 certified under penalty of perjury to the truthfulness of all statements in the application, including
2 any appurtenances thereto. The Bureau denied the application on or about August 11, 2015.

3 JURISDICTION

4 3. This Statement of Issues is brought before the Director of Consumer Affairs
5 (Director) for the Bureau, under the authority of the following laws. All section references are to
6 the Business and Professions Code (“Code”) unless otherwise indicated.

7 4. Business and Professions Code (Code) section 19004.1 states:

8 Protection of the public shall be the highest priority for the Bureau of
9 Electronic and Appliance Repair, Home Furnishings and Thermal Insulation in
10 exercising its licensing, regulatory, and disciplinary functions under this chapter.
Whenever the protection of the public is inconsistent with other interests sought to be
promoted, the protection of the public shall be paramount.

11 STATUTORY AND REGULATORY PROVISIONS

12 5. Code section 480 states, in pertinent part:

13 (a) A board may deny a license regulated by this code on the grounds that the
14 applicant has one of the following:

15 (1) Been convicted of a crime. A conviction within the meaning of this section
16 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
17 Any action that a board is permitted to take following the establishment of a
conviction may be taken when the time for appeal has elapsed, or the judgment of
18 conviction has been affirmed on appeal, or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

19 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
substantially benefit himself or herself or another, or substantially injure another.

20 (3) (A) Done any act that if done by a licentiate of the business or profession in
21 question, would be grounds for suspension or revocation of license.

22 (B) The board may deny a license pursuant to this subdivision only if the crime
or act is substantially related to the qualifications, functions, or duties of the business
23 or profession for which application is made.

24 (b) Notwithstanding any other provision of this code, a person shall not be
denied a license solely on the basis that he or she has been convicted of a felony if he
25 or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing
with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
26 convicted of a misdemeanor if he or she has met all applicable requirements of the
criteria of rehabilitation developed by the board to evaluate the rehabilitation of a
27 person when considering the denial of a license under subdivision (a) of Section 482.

28 (c) Notwithstanding any other provisions of this code, a person shall not be
denied a license solely on the basis of a conviction that has been dismissed pursuant

1 to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a
2 conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of
the Penal Code shall provide proof of the dismissal. . . .

3 6. Code section 22 states:

4 "Board," as used in any provision of this code, refers to the board in which the
5 administration of the provision is vested, and unless otherwise expressly provided,
shall include "bureau," "commission," "committee," "department," "division,"
6 "examining committee," "program," and "agency."

7 7. Code section 477(b), states, "License includes certificate, registration or other means
8 to engage in a business or profession regulated by this code."

9 8. Code section 19211 states:

10 Any person who has been denied a license, or who has had his or her license
11 revoked, or whose license is under suspension, or who has failed to renew his or her
12 license while it was under suspension, or any person who has been a member of any
13 partnership, or an officer or director of any corporation, or an officer or person acting
14 in a managerial capacity of any firm or association, whose license has been revoked,
or whose license is under suspension, or who has failed to renew a license while it
15 was under suspension, and while acting as a member, officer, director, or person
16 acting in a managerial capacity, participated in any of the prohibited acts for which
the license was suspended, or revoked, shall be prohibited from serving as a member
of any licensed partnership, or as an officer or director of any licensed corporation, or
as an officer or person acting in a managerial capacity of any licensed firm or
association, and the employment, election, or association of a person in this capacity
by a licensee shall constitute grounds for disciplinary action against the licensee.

17 **CAUSE FOR DENIAL OF APPLICATION**

18 (Criminal Convictions)

19 9. Respondent's application is subject to denial pursuant to Code section 480(a)(1), in
20 that Respondent committed crimes that are substantially related to the qualifications, functions, or
21 duties of a furniture and bedding retailer, as follows:

22 a. On or about February 20, 2014, in a criminal proceeding entitled *People v. Murad*
23 *Fayez Alrawashdeh, aka Murad Fayezaz Rawashdeh*, Fresno County Superior Court, Case
24 No. F13911047, the court convicted Respondent on his plea of nolo contendere of violating Penal
25 Code section 664/487(a) (attempted grand theft of personal property valued in excess of \$950), a
26 felony. The circumstances of the crime are that on or about November 20, 2013, Respondent
27 attempted to take cash in excess of \$3,000 from another.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

1. Denying the application of Murad Alrawashdeh, also known as Murad Fayeaz Rawashdeh, Murad Fayelal Rawashdea, Murad Fayed Rawashdeh, and Murad Fayeaz Alrawashdeh, for a license as a furniture and bedding retailer; and,

2. Taking such other and further action as deemed necessary and proper.

DATED: MAR 01 2016


JUSTIN PADDOCK
Bureau Chief
Bureau of Electronic and Appliance Repair, Home
Furnishings and Thermal Insulation
Department of Consumer Affairs
State of California
Complainant

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