BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME
FURNISHINGS AND THERMAL INSULATION
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

MURAD ALRAWASHDEH
Furniture and Bedding Retailer License
Applicant

Respondent.

Justin Paddock ("Complainant") alleges:

PARTIES

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

2. On or about June 16, 2015, the Bureau received an Application for License – Home Furnishings (General) from Murad Alrawashdeh, also known as Murad Fayezaz Rawashdeh, Murad Fayelal Rawashdea, Murad Fayed Rawashdeh, and Murad Fayeza Alrawashdeh ("Respondent"), doing business as Elegant Furniture, for a license as a furniture and bedding retailer. On or about July 2, 2015, the Bureau received from Respondent an Applicant Questionnaire setting forth Respondent’s criminal convictions in more detail. Respondent
certified under penalty of perjury to the truthfulness of all statements in the application, including any appurtenances thereto. The Bureau denied the application on or about August 11, 2015.

JURISDICTION

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

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

Protection of the public shall be the highest priority for the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation in 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.

STATUTORY AND REGULATORY PROVISIONS

5. Code section 480 states, in pertinent part:

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

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. 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 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.

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

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

(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 or profession for which application is made.

(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 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 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 person when considering the denial of a license under subdivision (a) of Section 482.

(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
to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a 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.

6. Code section 22 states:

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

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

8. Code section 19211 states:

Any person who has been denied a license, or who has had his or her license revoked, or whose license is under suspension, or who has failed to renew his or her license while it was under suspension, or any person who has been a member of any partnership, or an officer or director of any corporation, or an officer or person acting 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 was under suspension, and while acting as a member, officer, director, or person 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.

CAUSE FOR DENIAL OF APPLICATION

(Criminal Convictions)

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

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

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b. On or about July 12, 2013, in a criminal proceeding entitled *People v. Murad Fayez Alrawashdeh et al.*, Fresno County Superior Court, Case No. F13905536, the court convicted Respondent on his plea of no contest of violating Penal Code section 487(a) (grand theft of personal property), a felony. The circumstances of the crime are that on or about February 19, 2013, Respondent took in excess of $950 from another.

**OTHER MATTER**

10. Pursuant to Code section 19211, if the application of Murad Alrawashdeh for a furniture and bedding retailer license is denied, then Murad Alrawashdeh 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.

**MATTER IN AGGRAVATION**

11. On or about September 28, 2011, in a criminal proceeding entitled *People v. Murad Fayez Alrawashdeh*, Fresno County Superior Court, Case No. M11601478, the court convicted Respondent on his plea of nolo contendere of violating Business and Professions Code section 25658(a) (sale of an alcoholic beverage to a minor), a misdemeanor, which the court reduced to an infraction. The circumstances of the crime are that on or about June 24, 2011, Respondent unlawfully sold, furnished, etc., an alcoholic beverage to a person under the age of twenty-one.
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 Fayezaz Rawashdeh, Murad Fayelal Rawashdea, Murad Fayed Rawashdeh, and Murad Fayez 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