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**FILED**  
APR 27 2009  
DEPARTMENT OF REAL ESTATE  
By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\*\*\*

In the Matter of the Accusation of  
MICHAEL DANA WINSTON,  
Respondent.

No. H-31574 LA

ORDER DENYING REINSTATEMENT OF LICENSE AND  
GRANTING RIGHT TO A RESTRICTED LICENSE

On April 14, 2005, in Case No. H-31574 LA, a Decision was rendered revoking Respondent's real estate broker license effective July 11, 2005, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on July 11, 2005, and Respondent has operated as a restricted licensee since that time.

On October 18, 2007, Respondent petitioned for reinstatement of said real estate broker license, and the Attorney General of the State of California has been given notice of the filing of said petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has

///

1 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real  
2 estate broker license.

3 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*  
4 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and  
5 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the  
6 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

7 The Department has developed criteria in Section 2911 of Title 10, California  
8 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
9 reinstatement of a license. Among the criteria relevant in this proceeding are:

10 Regulation 2911(k) Correction of business practices resulting in injury to others or  
11 with the potential to cause such injury.

12 Given the violations found and the fact that Respondent has not engaged as a  
13 broker in the operation of a real estate brokerage business since license discipline, Respondent  
14 has not established that he has complied with Section 2911 (k), Title 10, California Code of  
15 Regulations. Consequently, I am not satisfied that Respondent is sufficiently rehabilitated to  
16 receive an unrestricted real estate broker license. Additional time and evidence of correction as a  
17 restricted real estate broker is necessary to establish that Respondent is rehabilitated.

18 I am satisfied, therefore, that it will not be against the public interest to issue a  
19 restricted real estate broker license to Respondent.

20 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
21 reinstatement of his real estate broker license is denied.

22 A restricted real estate broker license shall be issued to Respondent pursuant to  
23 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following  
24 conditions prior to and as a condition of obtaining a restricted real estate broker license within  
25 nine (9) months from the date of this Order:

- 26 1. Submittal of a completed application and payment of the fee for a real estate  
27 broker license.

1                   2. Submittal of evidence of having, since the most recent issuance of an original  
2 or renewal real estate license, taken and successfully completed the continuing education  
3 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
4 license.

5                   The restricted license issued to Respondent shall be subject to all of the provisions  
6 of Section 10156.7 of the Business and Professions Code and to the following limitations,  
7 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

8                   A. The restricted license issued to Respondent may be suspended prior to hearing  
9 by Order of the Real Estate Commissioner in the event of Respondent's conviction or plea of  
10 nolo contendere to a crime which is substantially related to Respondent's fitness or capacity as a  
11 real estate licensee.

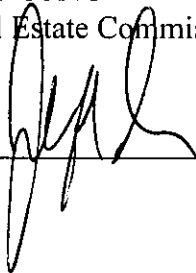
12                   B. The restricted license issued to Respondent may be suspended prior to hearing  
13 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that  
14 Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands  
15 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
16 license.

17                   C. Respondent shall not be eligible to apply for the issuance of an unrestricted  
18 real estate license nor the removal of any of the limitations, conditions or restrictions of a  
19 restricted license until two (2) years have elapsed from the date of the issuance of the restricted  
20 license to respondent.

21                   This Order shall become effective at 12 o'clock noon on      MAY 18 2009

22                   IT IS SO ORDERED      3-24-09

23                   JEFF DAVI  
24                   Real Estate Commissioner

25                     
26                   \_\_\_\_\_

FLAR

**FILED**

APR 27 2009

DEPARTMENT OF REAL ESTATE

By [Signature]

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
MARDI KARI BOGHOSSIAN,  
Respondent.

No. H-31574 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On April 14, 2005, a Decision was rendered herein revoking the real estate salesperson license of Respondent, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on July 11, 2005, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On November 28, 2007, Respondent petitioned for reinstatement of said real estate salesperson license and the Attorney General of the State of California has been given notice of the filing of the petition.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

1                    NOW, THEREFORE, IT IS ORDERED that Respondent's petition for  
2 reinstatement be and hereby is granted and that a real estate salesperson license be issued to  
3 Respondent if Respondent satisfies the following conditions within nine (9) months from the date  
4 of this order:

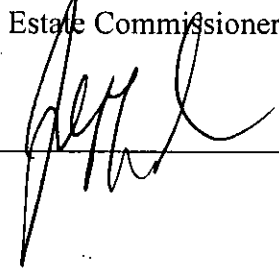
5                    1. Submittal of a completed application and payment of the fee for a real estate  
6 salesperson license.

7                    2. Submittal of evidence of having, since the most recent issuance of an original  
8 or renewal real estate license, taken and successfully completed the continuing education  
9 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate  
10 license.

11                    This Order shall become effective immediately.

12                    IT IS SO ORDERED 3/12/09

13                    JEFF DAVI  
14                    Real Estate Commissioner

15                      
16                    \_\_\_\_\_

1 Department of Real Estate  
2 320 West 4<sup>th</sup> Street, Suite 350  
3 Los Angeles, California 90013  
4  
5 (213) 576-6913  
6  
7

**FILED**  
JUN 21 2005  
DEPARTMENT OF REAL ESTATE  
*[Signature]*

8 DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-31574 LA  
12 )  
13 MICHAEL DANA WINSTON, )  
14 and MARDI KARI BOGHOSSIAN, ) STIPULATION AND AGREEMENT  
15 Respondents. )

16 It is hereby stipulated by and between MICHAEL DANA  
17 WINSTON and MARDI KARI BOGHOSSIAN (sometimes referred to as  
18 Respondents), and their attorney, Dana M. Cole, and the  
19 Complainant, acting by and through James R. Peel, Counsel for the  
20 Department of Real Estate, as follows for the purpose of settling  
21 and disposing of the Accusation filed on December 16, 2004, in  
22 this matter.

23 1. All issues which were to be contested and all  
24 evidence which was to be presented by Complainant and Respondents  
25 at a formal hearing on the Accusation, which hearing was to be  
26 held in accordance with the provisions of the Administrative  
27

///

1 Procedure Act (APA), shall instead and in place thereof be  
2 submitted solely on the basis of the provisions of this  
3 Stipulation and Agreement.

4 2. Respondents have received, read and understand the  
5 Statement to Respondent, the Discovery Provisions of the APA and  
6 the Accusation filed by the Department of Real Estate in this  
7 proceeding.

8 3. Respondents have not filed a Notice of Defense  
9 pursuant to Section 11506 of the Government Code for the purpose  
10 of requesting a hearing on the allegations in the Accusation.

11 4. This Stipulation is based on the factual  
12 allegations contained in the Accusation filed in this proceeding  
13 except to the extent said allegations contain legal conclusions.  
14 In the interest of expedience and economy, Respondents choose  
15 not to contest these factual allegations, but to remain silent  
16 and understand that, as a result thereof, these factual  
17 statements, will serve as a prima facie basis for the

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1 disciplinary action stipulated to herein. The Real Estate  
2 Commissioner shall not be required to provide further evidence  
3 to prove such allegations.

4 5. The Stipulation herein and Respondents' decision  
5 not to contest the Accusation, are made solely for the purpose  
6 of reaching an agreed disposition of this proceeding and are  
7 expressly limited to this proceeding and any other proceeding or  
8 case in which the Department of Real Estate ("Department") or  
9 another licensing agency of this state, another state or if the  
10 federal government is involved, and otherwise shall not be  
11 admissable in any other criminal or civil proceedings.

12 6. It is understood by the parties that the Real  
13 Estate Commissioner may adopt the Stipulation and Agreement as  
14 his Decision in this matter, thereby imposing the penalty and  
15 sanctions on Respondents' real estate licenses and license  
16 rights as set forth in the below "Order". In the event that the  
17 Commissioner in his discretion does not adopt the Stipulation  
18 and Agreement, it shall be void and of no effect, and  
19 Respondents shall retain the right to a hearing and proceeding  
20 on the Accusation under all the provisions of the APA and shall  
21 not be bound by any stipulation or waiver made herein.

22 7. The Order or any subsequent Order of the Real  
23 Estate Commissioner made pursuant to this Stipulation and  
24 Agreement shall not constitute an estoppel, merger or bar to any  
25 further administrative or civil proceedings by the Department of  
26 Real Estate with respect to any matters which were not  
27 specifically alleged to be causes for accusation in this



1 proceeding.

2 DETERMINATION OF ISSUES

3 By reason of the foregoing stipulations and waivers  
4 and solely for the purpose of settlement of the pending  
5 Accusation without a hearing, it is stipulated and agreed that  
6 the following determination of issues shall be made:

7 The conduct of Respondents, MICHAEL DANA WINSTON and  
8 MARDI KARI BOGHOSSIAN, as described in Paragraph 4, above, is  
9 grounds for the suspension or revocation of all of the real  
10 estate licenses and license rights of Respondents under the  
11 provisions of Section 10176(a) of the Business and Professions  
12 Code.

13 ORDER

14 All real estate broker licenses and licensing rights  
15 of Respondent MICHAEL DANA WINSTON and the real estate  
16 salesperson license of MARDI KARI BOGHOSSIAN under the Real  
17 Estate Law are revoked, provided, however, a restricted real  
18 estate salesperson license shall be issued to Respondents  
19 pursuant to Section 10156.5 of the Business and Professions Code  
20 if Respondents make application therefor and pay to the  
21 Department of Real Estate the appropriate fee for the restricted  
22 license within 90 days from the effective date of this Decision.

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1 The restricted license issued to Respondents shall be subject to  
2 all of the provisions of Section 10156.7 of the Business and  
3 Professions Code and to the following limitations, conditions,  
4 and restrictions imposed under authority of Section 10156.6 of  
5 that Code:

6 1. The restricted license issued to Respondents may  
7 be suspended prior to hearing by Order of the Real Estate  
8 Commissioner in the event of Respondents' conviction or plea of  
9 nolo contendere to a crime which is substantially related to  
10 Respondents' fitness or capacity as a real estate licensee.

11 2. The restricted license issued to Respondents may  
12 be suspended prior to hearing by Order of the Real Estate  
13 Commissioner on evidence satisfactory to the Commissioner that  
14 Respondents have violated provisions of the California Real  
15 Estate Law, the Subdivided Lands Law, Regulations of the Real  
16 Estate Commissioner or conditions attaching to the restricted  
17 license.

18 3. Respondents shall not be eligible to apply for the  
19 issuance of an unrestricted real estate license nor for the  
20 removal of any of the conditions, limitations or restrictions of  
21 a restricted license until two years have elapsed from the  
22 effective date of this Decision.

23 4. Respondents shall submit with any application for  
24 license under an employing broker, or any application for  
25 transfer to a new employing real estate broker on a form RE 552  
26 approved by the Department of Real Estate which shall certify:  
27

1                   (a) That the employing broker has read the  
2 Stipulation and Agreement and Accusation which is the basis for  
3 the issuance of the restricted license; and

4                   (b) That the employing broker will carefully  
5 review all transaction documents prepared by the restricted  
6 licensee and otherwise exercise close supervision over the  
7 licensee's performance of acts for which a license is required.

8                   5. Respondents shall, within nine months from the  
9 effective date of this Decision, present evidence satisfactory  
10 to the Real Estate Commissioner that Respondents have, since the  
11 most recent issuance of an original or renewal real estate  
12 license, taken and successfully completed the continuing  
13 education requirements of Article 2.5 of Chapter 3 of the Real  
14 Estate Law for renewal of a real estate license. If Respondents  
15 fail to satisfy this condition, the Commissioner may order the  
16 suspension of the restricted license until the Respondents  
17 present such evidence. The Commissioner shall afford  
18 Respondents the opportunity for a hearing pursuant to the  
19 Administrative Procedure Act to present such evidence.

20  
21 DATED: March 29, 2005

22  
23 James R. Peel  
24 JAMES R. PEEL  
25 Counsel for Complainant

26 ///

27 ///

\* \* \*

1  
2 We have read the Stipulation and Agreement, have  
3 discussed it with our attorney, and its terms are understood by  
4 us and are agreeable and acceptable to us. We understand that  
5 we are waiving rights given to us by the California  
6 Administrative Procedure Act (including but not limited to  
7 Sections 11506, 11508, 11509 and 11513 of the Government Code),  
8 and we willingly, intelligently and voluntarily waive those  
9 rights, including the right of requiring the Commissioner to  
10 prove the allegations in the Accusation at a hearing at which we  
11 would have the right to cross-examine witnesses against us and  
12 to present evidence in defense and mitigation of the charges.

13 Respondents can signify acceptance and approval of  
14 the terms and conditions of this Stipulation and Agreement by  
15 faxing a copy of the signature page, as actually signed by  
16 Respondents, to the Department at the following telephone/fax  
17 number: (213) 576-6917. Respondents agree, acknowledge and  
18 understand that by electronically sending to the Department a  
19 fax copy of their actual signature as it appears on the  
20 Stipulation and Agreement that receipt of the faxed copy by the  
21 Department shall be as binding on Respondents as if the  
22 Department had received the original signed Stipulation and  
23 Agreement.

24 Further, if the Respondents are represented in these  
25 proceedings, the Respondents' attorney can signify his agreement  
26 to the terms and conditions of the Stipulation and Agreement by  
27

AFI

Fax:323-665-6390

Mar 20 2005 15:30 P.09

MAR-03-2005 THU 12:00 PM COLE & LOETERMAN

FAX NO. 1 310 772 0807

P. 09


MAR-01-05 TUE 05:40 PM

FAX NO. 2135788917


P. 08

1 submitting that signature via fax. The Commissioner has asked  
 2 that the attorney's signature be under penalty of perjury that  
 3 he will concurrently or within 24 hours of obtaining  
 4 Respondents' signature to the agreement deposit in the mail the  
 5 original settlement/stipulation containing the original  
 6 signatures of both the Respondents and Respondents' attorney.


7 DATED: 3/8/05

  
 MICHAEL DANA WINSTON  
 Respondent

9 DATED: 3/8/05

  
 MADE MARI BOGHOSSIAN  
 Respondent

11 DATED: 3/22/05

  
 DANA M. COLE  
 Respondents' Attorney

14 \* \* \*

15 The foregoing Stipulation and Agreement is hereby  
 16 adopted as my Decision in this matter and shall become effective  
 17 at 12 o'clock noon on \_\_\_\_\_, 2005.

18 IT IS SO ORDERED \_\_\_\_\_, 2005.

19 JEFF DAVI  
 20 Real Estate Commissioner

1 submitting that signature via fax. The Commissioner has asked  
2 that the attorney's signature be under penalty of perjury that  
3 he will concurrently or within 24 hours of obtaining  
4 Respondents' signature to the agreement deposit in the mail the  
5 original settlement/stipulation containing the original  
6 signatures of both the Respondents and Respondents' attorney.  
7

8  
9 DATED: \_\_\_\_\_

\_\_\_\_\_  
MICHAEL DANA WINSTON  
Respondent

10  
11 DATED: \_\_\_\_\_

\_\_\_\_\_  
MARDI KARI BOGHOSSIAN  
Respondent

12  
13 DATED: \_\_\_\_\_

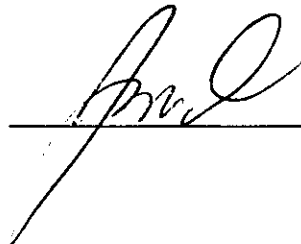
\_\_\_\_\_  
DANA M. COLE  
Respondents' Attorney

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18 \* \* \*

19 The foregoing Stipulation and Agreement is hereby  
20 adopted as my Decision in this matter and shall become effective  
21 at 12 o'clock noon on July 11, 2005.

22 IT IS SO ORDERED 4-14-05, 2005.

23 JEFF DAVI  
24 Real Estate Commissioner

25   
26 \_\_\_\_\_  
27

Handwritten initials: SBN 47055

1 JAMES R. PEEL, Counsel (SBN 47055)  
2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, CA 90013-1105  
5 Telephone: (213) 576-6982  
6 -or- (213) 576-6913 (Direct)

FILED  
DEC 16 2004  
DEPARTMENT OF REAL ESTATE  
By *[Signature]*

8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Accusation of ) No. H-31574 LA  
12 MICHAEL DANA WINSTON, )  
13 and MARDI KARI BOGHOSSIAN, ) A C C U S A T I O N  
14 Respondents. )

15 The Complainant, Janice A. Waddell, a Deputy Real  
16 Estate Commissioner of the State of California, for cause of  
17 Accusation against MICHAEL DANA WINSTON and MARDI KARI  
18 BOGHOSSIAN, alleges as follows:

19 I

20 The Complainant, Janice A. Waddell, acting in her  
21 official capacity as a Deputy Real Estate Commissioner of the  
22 State of California, makes this Accusation against MICHAEL DANA  
23 WINSTON and MARDI KARI BOGHOSSIAN.

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II

MICHAEL DANA WINSTON and MARDI KARI BOGHOSSIAN  
(hereinafter referred to as "Respondent") are presently licensed  
and/or have license rights under the Real Estate Law (Part 1 of  
Division 4 of the Business and Professions Code) (hereinafter  
Code).

III

At all times herein mentioned, Respondent MICHAEL DANA  
WINSTON was licensed by the Department of Real Estate of the  
State of California as a real estate broker and Respondent MARDI  
KARI BOGHOSSIAN was licensed as a real estate salesperson  
employed by Respondent MICHAEL DANA WINSTON from January 9, 2001  
through May 1, 2003 and by Milestone Financial Corporation from  
May 2, 2003 through February 9, 2004 and from October 2, 2004 to  
present.

IV

During the three year period preceding the filing of  
this Accusation, Respondents MICHAEL DANA WINSTON and MARDI KARI  
BOGHOSSIAN arranged or caused the arrangement through the use of  
falsified documentation, loans on real property.

V

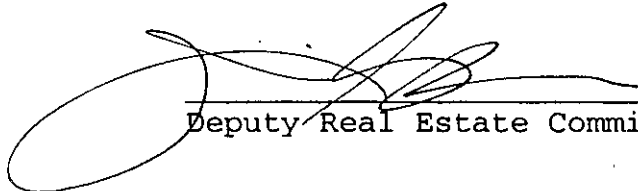
The conduct of Respondents MICHAEL DANA WINSTON and  
MARDI KARI BOGHOSSIAN, as alleged above, subjects their real  
estate licenses and license rights to suspension or revocation  
pursuant to Sections 10176(a) and 10176(i) of the Code.

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1                   WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all licenses and license rights of respondents  
5 MICHAEL DANA WINSTON and MARDI KARI BOGHOSSIAN under the Real  
6 Estate Law (Part 1 of Division 4 of the Business and Professions  
7 Code) and for such other and further relief as may be proper  
8 under other applicable provisions of law.  
9

10 Dated at Los Angeles, California  
11 this 14 day of November, 2004.  
12

13  
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15 Deputy Real Estate Commissioner  
16  
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22

23 cc: Michael Dana Winston  
24       Mardi Kari Boghossian  
25       Milestone Financial Corp.  
26       Sacto.  
27       Janice A. Waddell