

PHS

FILED

OCT 03 2019

DEPT. OF REAL ESTATE
By R. Rosell

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

SULIMAN A. SULIMAN,

Respondent.

No. H-37278 LA

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

On February 12, 2016, in Case No. H-37278 LA, a Decision was rendered revoking the real estate broker license of Respondent effective March, 10, 2016, but granting Respondent the right to apply for a restricted real estate broker license. Respondent never applied for a restricted real estate broker license and his license remains revoked to date.

On January 3, 2019, 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.

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

1 I have considered Respondent's petition and the evidence submitted in support
2 thereof.

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

6
7 **2911. Criteria for Rehabilitation**

8 *(a) (14) Change in attitude from that which existed at the time of the conduct in
9 question as evidenced by the following:*

10 *(A) Testimony and/or other evidence of rehabilitation submitted by the applicant.*

11 The administrative law judge in Case No. H-37278 found clear and convincing
12 evidence that Respondent made false statements to lenders in the transaction at
13 issue. The judge also found that Respondent demonstrated no awareness that
14 these false statements were problematic. In a June 27, 2019 interview with the
15 Department, Respondent continued to deny making any misrepresentations in the
16 transaction. Therefore, Respondent has not demonstrated a change in attitude
17 regarding the transaction which led to his license discipline.

18 Respondent has failed to demonstrate to my satisfaction that Respondent has
19 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
20 estate broker license.

21 I am satisfied, however, that it will not be against the public interest to issue a
22 restricted real estate broker license to Respondent.

23 A restricted real estate broker license shall be issued to Respondent pursuant to
24 Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
25 conditions prior to and as a condition of obtaining a restricted real estate broker license within
26 twelve (12) months from the effective date of this Order:

27 1. Submits a completed application and pays the fee for a real estate broker
license within the 12 month period following the effective date of this Order; and

2. Submits proof that Respondent has completed the continuing education
requirements for renewal of the license sought. The continuing education courses must be

1 completed either (i) within the 12 month period preceding the filing of the completed
2 application, or (ii) within the 12 month period following the effective date of this Order.

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

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

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

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

19
20 This Order shall become effective at 12 o'clock noon on **OCT 22 2019**

21 IT IS SO ORDERED *September 28, 2019*

22 DANIEL J. SANDRI
23 ACTING REAL ESTATE COMMISSIONER

24
25 *Daniel J. Sandri*
26
27