

FRAC

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

FILED
NOV 19 2012

DEPARTMENT OF REAL ESTATE
By R. Max

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

FARSHID JEFF ASSIFI,

Respondent.

No. H-10383 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On November 19, 2009, a Decision was rendered in Case No. H-10383 SF revoking the real estate broker license of Respondent effective December 14, 2009.

On June 23, 2011, 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).

I have considered the petition of Respondent and the evidence submitted 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 real estate
2 broker license at this time.

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 Regulation 2911(n) Change in attitude from that which existed at the time of the
7 conduct in question as evidenced by any or all of the following:

8 (1) Testimony of applicant.

9 (2) Evidence from family members, friends or other persons familiar with
10 applicant's previous conduct and with his subsequent attitudes and behavioral
11 patterns.

12 Respondent has not demonstrated a sufficient change in attitude which existed at
13 the time of the conduct in question to allow him to operate as a real estate broker without
14 supervision. In his interview with the Department's investigator during the petition process,
15 Respondent did not demonstrate that he clearly understands the law and regulations with respect
16 to his responsibilities as a real estate broker. It is also troubling that Respondent not only failed
17 to properly supervise a real estate salesperson in his employ, he also failed to make the records of
18 the transaction in question available to the Department's investigators upon request at the time of
19 the initial investigation.

20 Given the violations found and the fact that Respondent has not established that
21 Respondent has satisfied Regulations 2911(n), I am not satisfied that Respondent is sufficiently
22 rehabilitated to receive a real estate broker license.

23 ///

24 ///

25 ///

26 ///

27 ///

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

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

This Order shall become effective at 12 o'clock noon on DEC 10 2012.

IT IS SO ORDERED 9/17/2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel