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FILED

OCT 29 2018

DEPARTMENT OF REAL ESTATE

By S. Black

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

NASIRA MOJADDEDI,

No. H-10611 SF

Respondent.

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

On January 21, 2010, in Case No. H-10611 SF, a Decision was rendered revoking the real estate broker license of Respondent effective February 24, 2010.

On March 8, 2018, 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).

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

8 Respondent has not worked in a fiduciary capacity since the revocation of her  
9 license to demonstrate correction of business practices.

10 Respondent has failed to demonstrate to my satisfaction that Respondent has  
11 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real  
12 estate broker license.

13 I am satisfied, however, that it will not be against the public interest to issue a  
14 restricted real estate salesperson license to Respondent.

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

19 1. Respondent shall qualify for, take and pass the real estate salesperson  
20 license examination.

21 2. Submittal of a completed application and payment of the fee for a real  
22 estate salesperson license.

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

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

5           B. The restricted license issued to Respondent may be suspended prior to  
6 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
7 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
8 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to  
9 the restricted license.

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

14           D. Respondent shall submit with any application for license under an  
15 employing broker, or any application for transfer to a new employing broker, a statement signed  
16 by the prospective employing real estate broker on a form approved by the Department of Real  
17 Estate which shall certify:

18           1. That the employing broker has read the Decision of the Commissioner  
19 which granted the right to a restricted license; and

20           2. That the employing broker will exercise close supervision over the  
21 performance by the restricted licensee relating to activities for which a real estate license is  
22 required.

23           E. Respondent shall notify the Commissioner in writing within 72 hours of  
24 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
25 Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of  
26 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
27 the arresting law enforcement agency. Respondent's failure to timely file written notice shall

1 constitute an independent violation of the terms of the restricted license and shall be grounds for  
2 the suspension or revocation of that license.

3 This Order shall become effective at 12 o'clock noon on NOV 19 2018

4 IT IS SO ORDERED October 25, 2018

5 DANIEL J. SANDRI  
6 ACTING REAL ESTATE COMMISSIONER

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