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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE  
BY: James B. Olson

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-10969 SF
)	
MICHAEL M. YOUNESSIAN,	) L-2010100293
)	
)	
Respondent.	)
_____ )	

DECISION

The Proposed Decision dated February 24, 2011, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

Pursuant to Section 11517(c)(2) of the Government Code, the following corrections are made to the Proposed Decision:

Page 1, Caption, "First Amended Accusation" is deleted.

Page 2, The first eight lines at the top of the page are deleted.

The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on APR 11 2011.

IT IS SO ORDERED 3/17/11

JEFF DAVI  
Real Estate Commissioner

Barbara J. Bigby  
BY: Barbara J. Bigby  
Chief Deputy Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

MICHAEL M. YOUNESSIAN,

Respondents.

Case No. H-10969 SF

OAH No. 2010100293

FIRST AMENDED ACCUSATION

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on February 7, 2011.

James A. Demus, Staff Counsel, represented Robin Trujillo, (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Michael M. Younessian (Respondent) represented himself.

Oral and documentary evidence was received, and the matter argued.

The case was submitted for decision on February 7, 2011.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in her official capacity.
2. Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code as a real estate broker.
3. Respondent was originally licensed as a real estate salesperson on April 18, 1980. (Respondent believes that he actually obtained his original license in 1977.) His broker license was originally issued on June 12, 1991. He is currently not actively using his license.
4. Respondent has no other administrative actions filed against his license.
5. On December 3, 2010, Respondent, in the California Superior Court, County of Los Angeles, upon his nolo contendere plea, was convicted of violating Health and Safety Code section 11364, subdivision (a), possession of drug paraphernalia, a misdemeanor. (An automobile was involved in the circumstances leading to the conviction.) The court suspended the imposition of sentence and placed Respondent on

broker license was originally issued on June 12, 1991. He is currently not actively using his license.

4. Respondent has no other administrative actions filed against his license.

5. On December 3, 2010, Respondent, in the California Superior Court, County of Los Angeles, upon his nolo contendere plea, was convicted of violating Health and Safety Code section 11364, subdivision (a), possession of drug paraphernalia, a misdemeanor. (An automobile was involved in the circumstances leading to the conviction.) The court suspended the imposition of sentence and placed Respondent on summary probation for a period of 24 months upon certain terms and conditions including completing 150 hours of community service and paying fines and fees in the amount of \$291.00. Respondent has not paid the fines and fees imposed by the court. He remains on probation.

6. On June 12, 2009, Respondent, in the California Superior Court, County of San Mateo, upon his nolo contendere plea, was convicted of violating Health and Safety Code section 11364, possession of drug paraphernalia, a misdemeanor. The court suspended the imposition of sentence and placed Respondent on probation for 3 years upon certain terms and conditions including serving 15 days in the county jail, and paying certain fines and fees.

7. *In Aggravation.* On January 4, 2007, Respondent, in the California Superior Court, County of San Francisco, Case No. 2272621, Respondent was placed on a diversion program for violating Health and Safety Code section 11377, subdivision (a), possession of a controlled substance: methamphetamine, a felony, and violating Health and Safety Code, section 11364, possession of drug paraphernalia, a misdemeanor.

8. *In Aggravation.* On March 6, 2006, Respondent, in the California Superior Court, County of San Mateo, Case No. NM1331745A, Respondent was convicted of violating Health and Safety Code section 11377, subdivision (a), possession of a controlled substance: methamphetamine, a misdemeanor. The court placed Respondent on a drug diversion program.

9. *In Aggravation.* On February 11, 1998, Respondent, in the California Superior Court, County of San Mateo, Case No. NM277166A, Respondent was convicted of violating Penal Code section 273.5, subdivision (a), corporal injury to his spouse, and Penal Code section 243, subdivision (e), battery upon a spouse, both misdemeanors.

10. *In Aggravation.* On November 4, 1991, Respondent, in the California Superior Court, Case No. NM217142A, Respondent was convicted of violating California Penal Code section 647, subdivision (a), engaging in a lewd act in public (soliciting an undercover officer).

11. Respondent has been in the real estate business for more than 34 years. Most of his time has been spent in the San Francisco Bay area. At the peak of his business, he had three offices. Respondent is very proud of his real estate practice. Respondent's two sons are also in the real estate business.

12. In 2007, Respondent went through bankruptcy and is endeavoring to recover from that event. He has moved to Southern California.

13. Respondent has been married to his wife for more than 40 years.

14. Respondent admitted using methamphetamines. He completed a drug rehabilitation program in 2008.

15. Respondent acknowledged the actions he took that resulted in his convictions were really stupid. He indicated that he never realized that they could result in his losing his real estate license.

### LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent's repeated and willful violations of the law, set forth above, are substantially related to the to the qualifications, functions or duties of a licensee of the Department within the meaning of Business and Professions Code sections 480 and 490 as more fully set forth in California Code of Regulations, title 10, section 2910, subdivisions 10 and 11).

3. Pursuant to the provisions of Business and Profession Code sections 490 and 10177, subdivision (b) cause exists to suspend or revoke Respondent's real estate broker in that he has been convicted of a crime that is substantially related to the qualifications, function, or duties of a real estate licensee.

4. Pursuant to the provisions of California Code of Regulations, title 10, section 2912, the Department has adopted criteria for the purpose of evaluating the rehabilitation of a licensee against whom an administrative disciplinary proceeding for revocation or suspension of the license has been initiated on account of a crime committed by the licensee. Respondent fails to meet the criteria. The passage of not less than two years from the most recent criminal conviction is required. In this case, Respondent's latest conviction occurred in 2010. It has not yet been two years since his conviction. Additionally, Respondent presently is on probation, and the fine in his last conviction has not been paid. Finally, Respondent failed to take responsibility for his actions that resulted in his convictions. Additional time is required, for Respondent to demonstrate his rehabilitation.

ORDER

All licenses and licensing rights of Respondent Michael M. Younessian, under the Real Estate Law, are revoked

Dated: February 24, 2011.



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N. GREGORY TAYLOR  
Administrative Law Judge  
Office of Administrative Hearings

*2010*  
*Jan*

**FILED**

JAMES DEMUS, Counsel (SBN 225005)  
Department of Real Estate  
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Los Angeles, California 90013-1105

JAN 28 2011

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DEPARTMENT OF REAL ESTATE  
BY: *Jana B. Olson*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Accusation of )	No. H-10969 SF
)	L-2010100293
)	
)	<u>FIRST AMENDED</u>
MICHAEL M. YOUNESSIAN, )	<u>ACCUSATION</u>
)	
Respondent. )	
)	

This Accusation amends the Accusation filed on July 22, 2010. The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against MICHAEL M. YOUNESSIAN, ("Respondent") is informed and alleges in her official capacity as follows:

1.

Respondent is presently licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (the Code) as a real estate broker.

///

1 2.

2 On or about December 3, 2010, in the Superior Court of  
3 California, County of Los Angeles, Case No. OPY04995, Respondent  
4 was convicted of violating California Penal Code Section  
5 11364(a) (possession of drug paraphernalia), a misdemeanor which  
6 is substantially related under Section 2910, Title 10, Chapter  
7 6, California Code of Regulations, to the qualifications,  
8 functions or duties of a real estate licensee.

9 3.

10 On or about June 12, 2009, in the Superior Court of  
11 California, County of San Mateo, Case no. NM380984A, Respondent  
12 was convicted of violating California Health & Safety Code  
13 Section 11364 (possession of drug paraphernalia), a misdemeanor  
14 which is substantially related under Section 2910, Title 10,  
15 Chapter 6, California Code of Regulations, to the  
16 qualifications, functions or duties of a real estate licensee.

17 Matters In Aggravation

18 4.

19 In aggravation, on or about January 4, 2007, in the  
20 Superior Court of California, County of San Francisco, Case No.  
21 2272621, Respondent was placed on diversion for violating  
22 California Health & Safety Code Section 11377(a) (possession of  
23 a controlled substance: methamphetamine) a felony, and violating  
24 Health & Safety Code Section 11364 (possession of drug  
25 paraphernalia), a misdemeanor. Said crimes are substantially  
26 related under Section 2910, Title 10, Chapter 6, California Code  
27

1 of Regulations, to the qualifications, functions or duties of a  
2 real estate licensee.

3 5.

4 In aggravation, on or about March 6, 2006, in the  
5 Superior Court of California, County of San Mateo, Case No.  
6 NM331745A, Respondent pled nolo contendere and was placed on  
7 diversion for violating California Health & Safety Code Section  
8 11377(a) (possession of a controlled substance:  
9 methamphetamine), a misdemeanor which is substantially related  
10 under Section 2910, Title 10, Chapter 6, California Code of  
11 Regulations, to the qualifications, functions or duties of a  
12 real estate licensee.

13 6.

14 In aggravation, on or about February 11, 1998, in the  
15 Superior Court of California, County of San Mateo, Case No.  
16 NM277166A, Respondent was convicted of violating Penal Code  
17 Section 273.5(a) (corporal injury to spouse), and Penal Code  
18 Section 243(e) (battery upon a spouse), both of which were  
19 misdemeanors. Said crimes are substantially related under  
20 Section 2910, Title 10, Chapter 6, California Code of  
21 Regulations, to the qualifications, functions or duties of a  
22 real estate licensee.

23 7.

24 In aggravation, on or about November 4, 1991, in the  
25 Superior Court of California, County of San Mateo, Case No.  
26 NM217142A, Respondent was convicted of violating California  
27 Penal Code Section 647(a) (engaging in a lewd act in public), a



1 misdemeanor which is substantially related under Section 2910,  
2 Title 10, Chapter 6, California Code of Regulations, to the  
3 qualifications, functions or duties of a real estate licensee.

4 8.

5 The crimes of which Respondent was convicted, as  
6 described in Paragraphs 2 and 3 above, constitute cause under  
7 Sections 490 and 10177(b) of the Code for the suspension or  
8 revocation of the license and license rights of Respondent under  
9 the Real Estate Law.

10 These proceedings are brought under the provisions of  
11 Section 10100, Division 4 of the Business and Professions Code  
12 of the State of California and Sections 11500 through 11528 of  
13 the California Government Code.

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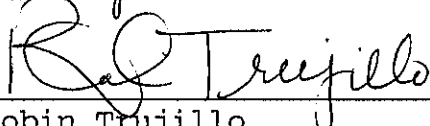
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all the licenses and license rights of Respondent, MICHAEL M. YOUNESSIAN, under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California  
this 28 day of January, 2011.

  
\_\_\_\_\_  
Robin Trujillo  
Deputy Real Estate Commissioner

cc: MICHAEL M. YOUNESSIAN  
Robin Trujillo  
Sacto.

FAE

1 JASON D. LAZARK, Counsel (SBN 263714)  
2 Department of Real Estate  
3 P. O. Box 187007  
4 Sacramento, CA 95818-7007  
5 Office: (916) 227-0789  
6 Direct: (916) 227-0822

**FILED**

JUL 22 2010

DEPARTMENT OF REAL ESTATE  
By: L. Frost

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11	In the Matter of the Accusation of	)	
		)	No. H-10969 SF
12		)	
	MICHAEL M. YOUNESSIAN,	)	<u>ACCUSATION</u>
13		)	
	Respondent.	)	
14		)	

15  
16 The Complainant, TRICIA D. SOMMERS, a Deputy Real Estate Commissioner  
17 of the State of California, acting in his official capacity, for cause of Accusation against  
18 MICHAEL MOUSSA YOUNESSIAN (herein "Respondent"), is informed and alleges as  
19 follows:

20 1.

21 Respondent is presently licensed and/or has license rights under the Real Estate  
22 Law Part 1 of Division 4 of the Business and Professions Code (the Code) as a real estate  
23 broker.

24 2.

25 On or about June 12, 2009, in the Superior Court of the State of California,  
26 County of San Mateo, Case No. NM380984A, Respondent was convicted of violating Health &  
27 Safety Code § 11364 (possession of drug paraphernalia), a misdemeanor which bears a

1 substantial relationship under Section 2910, Title 10, California Code of the Regulations (herein  
2 “the Regulations”), to the qualifications, functions or duties of a real estate licensee.

3 MATTERS IN AGGRIVATION

4 3.

5 On or about January 4, 2007, in the Superior Court of the State of California,  
6 County of San Francisco, Case No. 2272621, Respondent plead guilty or nolo contendere to  
7 and/or was convicted of violating felony Health & Safety Code § 11377(a) (possession of a  
8 controlled substance) and misdemeanor Health & Safety Code § 11364 (possession of drug  
9 paraphernalia), crimes involving moral turpitude which bear a substantial relationship under  
10 Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate  
11 licensee.

12 4.

13 On or about March 6, 2006, in the Superior Court of the State of California,  
14 County of San Mateo, Case No. NM331745A, Respondent was convicted of violating Health &  
15 Safety Code § 11377(a) (possession of a controlled substance), a misdemeanor involving moral  
16 turpitude that bears a substantial relationship under Section 2910 of the Regulations, to the  
17 qualifications, functions or duties of a real estate licensee.

18 5.

19 On or about February 11, 1998, in the Superior Court of the State of California,  
20 County of San Mateo, Case No. NM277166A, Respondent was convicted of violating Penal  
21 Code § 273.5(a) (corporal injury upon a spouse), and Penal Code § 243(e) (battery upon a  
22 spouse), misdemeanors involving moral turpitude that bear a substantial relationship under  
23 Section 2910 of the Regulations, to the qualifications, functions or duties of a real estate licensee.

24 6.

25 On or about November 4, 1991 in the Superior Court of the State of California,  
26 County of San Mateo, Case No. NM217142A, Respondent was convicted of violating Penal  
27 Code § 647(a) (engaging in a lewd act in public), a misdemeanor involving moral turpitude

1 which bears a substantial relationship under Section 2910 of the Regulations to the  
2 qualifications, functions or duties of a real estate licensee.

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7.

The facts alleged in Paragraph 2 above constitute grounds under Sections 490 and 10177(b) of the Code for suspension or revocation of all licenses and license rights of Respondent under Part 1 of Division 4 of the Code (herein "the Real Estate Law").

WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent under the Real Estate Law, and for such other and further relief as may be proper under the provisions of law.

  
TRICIA D. SOMMERS  
Deputy Real Estate Commissioner

Dated at Sacramento, California,  
this 7<sup>th</sup> day of July, 2010.