

FILED

FEB 27 2010

DEPARTMENT OF REAL ESTATE

By *L. Frost*

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
SHARAREH BIBIYAN-COHEN,
Respondent.

No. H-26677 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On February 20, 2007, a Decision was rendered herein revoking the real estate salesperson license of Respondent.

On May 4, 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 said petition.

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 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license at this time.

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

1 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

5 Regulation 2911(j)—discharge of monetary obligations

6 Respondent has not discharged a 2002 civil judgment against her, in the amount
7 of \$1,721.

8 Regulation 2911 (l)—involvement in community activities

9 Respondent has not shown she is involved in any community activities.

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

12 (1) Testimony of applicant.

13 Respondent has not taken responsibility for her actions leading to her 1994 theft
14 conviction.

15 (2) Evidence from family members, friends or other persons familiar with
16 applicant's previous conduct and with Respondent's subsequent attitudes and behavioral
17 patterns.

18 (3) Evidence from probation or parole officers or law enforcement officials
19 competent to testify as to applicant's social adjustments.

20 (4) Evidence from psychiatrists or other persons competent to testify with regard
21 to neuropsychiatric or emotional disturbances.

22 (5) Absence of subsequent felony or misdemeanor convictions that are reflective
23 of an inability to conform to societal rules when considered in light of the conduct in question.

24 Given the violations found and the fact that Respondent has not established that
25 Respondent has complied with Regulations 2911 (j), (l) and (n), I am not satisfied that
26 Respondent is sufficiently rehabilitated to receive a real estate license.

27 //

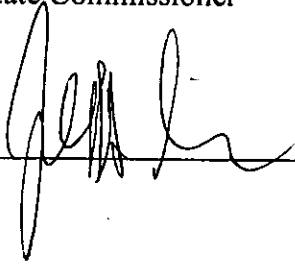
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NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
reinstatement of Respondent's real estate salesperson license is denied.

This Order shall become effective at 12 o'clock noon on MAR 19 2010

IT IS SO ORDERED 2.3.2010

JEFF DAVI
Real Estate Commissioner



FILED
FEB 26 1997
DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

By *[Signature]*

* * * * *

In the Matter of the Accusation of) No. H-26677 LA
)
SHARAREH BIBIYAN-COHEN,)
)
Respondent.)
_____)

DECISION AFTER DEFAULT

This Decision is being issued in accordance with the provisions of Section 11520 of the Government Code, on evidence of compliance with Section 11505 of the Government Code and pursuant to the Order of Default filed on February 5, 1997 , and the findings of facts set forth herein are based on one or more of the following: (1) respondent's express admissions; (2) affidavits; and (3) other evidence.

This Decision revokes a real estate license on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license 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.

FINDINGS OF FACT

I

On July 18, 1996, Thomas McCrady made the Accusation in his official capacity as a Deputy Real Estate Commissioner of the State of California.

On February 5, 1997, after she failed to appear at the January 14, 1997, hearing, Respondent's default was entered herein.

II

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

III

On or about August 18, 1994, in the Superior Court, County of Maricopa, State of Arizona, Respondent was convicted of the crime of theft in violation of A.R.S. 13-1802, 1801, 701, 702 and 801, a crime involving moral turpitude.

IV

The evidence established that the crime of which Respondent was convicted involves moral turpitude and is substantially related to the qualifications, functions and duties of a real estate licensee.

DETERMINATION OF ISSUES

I

Cause for disciplinary action against Respondent exists pursuant to Business and Professions Code Sections 490 and 10177(b).

II

The standard of proof applied was clear and convincing proof to a reasonable certainty.

ORDER

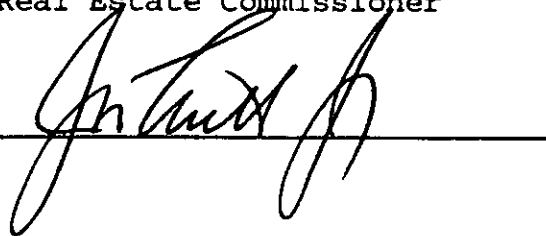
The licenses and license rights of Respondent SHARAREH BIBIYAN-COHEN under the provisions of Part 1 of Division 4 of the Business and Professions Code are revoked.

This Decision shall become effective at 12 o'clock noon on March 18, 1997.

DATED: _____

2/20/97

JIM ANTT, JR.
Real Estate Commissioner



FILED
FEB - 5 1997
DEPARTMENT OF REAL ESTATE

By K. Mederholz

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26677 LA
SHARAREH BIBIYAN-COHEN,)	<u>DEFAULT ORDER</u>
Respondent.)	

Respondent, SHARAREH BIBIYAN-COHEN, having failed to appear at the January 14, 1997, hearing, is now in default. It is, therefore, ordered that a default be entered on the record in this matter.

IT IS SO ORDERED 5 Feb. 1997

JIM ANTT, JR.
Real Estate Commissioner

By: Randolph Brendia
RANDOLPH BRENDIA
Regional Manager

Sacto plus

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

FILED
DEC - 2 1996
DEPARTMENT OF REAL ESTATE

In the Matter of the Accusation of

SHARAREH BIBIYAN-COHEN,

By K. Medenholdt

Case No. H-26677 LA

OAH No. L-9611151

Respondent

NOTICE OF HEARING ON ACCUSATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at _____
Office of Administrative Hearings, 314 West First Street,
Los Angeles

on January 14, 1997, at the hour of 1:30 p.m.,
or as soon thereafter as the matter can be heard, upon the Accusation served upon you.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter. The interpreter must be approved by the Administrative Law Judge conducting the hearing as someone who is proficient in both English and the language in which the witness will testify. You are required to pay the costs of the interpreter unless the Administrative Law Judge directs otherwise.

DEPARTMENT OF REAL ESTATE

Dated: DEC - 2 1996

By James R. Peel Counsel

cc: Sharareh Bibiyan-Cohen
Sacto
OAH
MCL

*Miss
J.R.*

JAMES R. PEEL, Counsel
Department of Real Estate
107 South Broadway, Room 8107
Los Angeles, California 90012

(213) 897-3937

FILED
JUL 13 1996
DEPARTMENT OF REAL ESTATE

By K. Kuderbolt

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-26677 LA
SHARAREH BIBIYAN-COHEN,)	A C C U S A T I O N
Respondent.)	

The Complainant, Thomas McCrady, a Deputy Real Estate Commissioner of the State of California, for cause of accusation against SHARAREH BIBIYAN-COHEN, alleges as follows:

I

The Complainant, Thomas McCrady, acting in his official capacity as a Deputy Real Estate Commissioner of the State of California, makes this Accusation against SHARAREH BIBIYAN-COHEN.

II

SHARAREH BIBIYAN-COHEN (hereinafter referred to as respondent) is presently licensed and/or has license rights under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code, hereinafter Code).

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III

At all times herein mentioned, respondent was licensed by the Department of Real Estate of the State of California as a real estate salesperson.

IV

On or about August 18, 1994, in the Superior Court, County of Maricopa, State of Arizona, respondent was convicted of the crime of theft in violation of A.R.S. 13-1802, 1801, 701, 702 and 801, a crime involving moral turpitude.

V

The crime of which respondent was convicted bears a substantial relationship to the qualifications, functions or duties of a real estate licensee.

VI

Respondent's criminal conviction is cause under Sections 490 and 10177(b) of the Business and Professions Code for suspension or revocation of all licenses and license rights of respondent under the Real Estate Law.

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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 licenses and license rights of Respondent SHARAREH BIBIYAN-COHEN 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 18th day of July, 1996.

THOMAS MC CRADY

Deputy Real Estate Commissioner

cc: Sharareh Bibiyan-Cohen
Sacto
MCL