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2/02*

**FILED**  
MAY 30 2007  
DEPARTMENT OF REAL ESTATE

*Kinderholt*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of) NO. H-29526 LA  
)  
ARTHUR JOSEPH SHABOUL, )  
)  
Respondent. )

ORDER DENYING RECONSIDERATION

On April 3, 2007, an Order Denying Reinstatement of License was signed in the above-entitled matter. Said Order was to become effective on April 30, 2007 and was stayed by separate Order to May 30, 2007.

On May 2, 2007, Respondent filed a petition for reconsideration of the Order of April 3, 2007.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Order of April 3, 2007, and reconsideration is hereby denied.

IT IS SO ORDERED

5/29/2007

JEFF DAVI  
Real Estate Commissioner

*[Signature]*  
By WAYNE S. BELL  
Chief Counsel



*Justo  
Zing*

**FILED**  
APR 24 2007  
DEPARTMENT OF REAL ESTATE

*K. Miller*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of ) DRE No. H-29528 LA  
ARTHUR JOSEPH SHABOUL, )  
Respondent. )

ORDER STAYING EFFECTIVE DATE

On April 3, 2007, an Order Denying Unrestricted License was rendered in the above-entitled matter to become effective April 30, 2007.

IT IS HEREBY ORDERED that the effective date of the Order Denying Unrestricted License of April 3, 2007, is stayed for a period of thirty days.

The Order Denying Unrestricted License of April 3, 2007, shall become effective at 12 o'clock noon May 30, 2007.

DATED: *April 24, 2007*

JEFF DAVI  
Real Estate Commissioner

*M. Dolores Weeks*  
By: M. Dolores Weeks  
Regional Manager



Handwritten: *Handwritten*

FILED  
APR 10 2007  
DEPARTMENT OF REAL ESTATE

By *K. Mederholt*

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of ) NO. H-29528 LA  
ARTHUR JOSEPH SHABOUL, )  
Respondent. )

ORDER DENYING UNRESTRICTED LICENSE

On November 6, 2002, a Decision was rendered  
herein revoking Respondent's real estate broker license,  
but granting Respondent the right to apply for and be issued  
a restricted real estate broker license. A restricted real  
estate broker license was issued to Respondent on  
December 2, 2002.

On July 6, 2005, Respondent petitioned for  
reinstatement of said license and the Attorney General of  
the State of California has been given notice of the filing  
of the petition.

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1 I have considered Respondent's petition and the  
2 evidence and arguments in support thereof. Respondent has  
3 failed to demonstrate to my satisfaction that it would be in  
4 the public interest to issue an unrestricted real estate broker  
5 license to Respondent, in that:  
6

7 I

8 On or about October 26, 2001, Respondent made  
9 application to the Department of Real Estate ("Department")  
10 for a real estate broker license.

11 On June 4, 2002, a Statement of Issues was filed  
12 which stated grounds to deny Respondent's application pursuant  
13 to Sections 480(a) and 10177(b) of the Business and Professions  
14 Code ("Code") for conviction of a crime.  
15

16 On or about November 18, 1999, Respondent was  
17 convicted of violating Penal Code Section 242/243(e) (violence  
18 used against former spouse).  
19

20 A hearing on the Statement of Issues was held on  
21 October 1, 2002. On November 6, 2002, a Decision was rendered  
22 which found that said crime involved moral turpitude and is  
23 substantially related to the qualifications, functions or  
24 duties of a real estate licensee. Respondent's license  
25 application was denied with the right to apply for and be  
26 issued a restricted real estate broker license.  
27



II

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).

The Department has developed criteria in Title 10, Chapter 6, California Code of Regulations (Regulation) 2911, to assist in evaluating the rehabilitation of an applicant for reinstatement of a license. Among the criteria relevant in this proceeding are:

Regulation 2911(k): Respondent has not shown that he has corrected business practices. As part of the petition application process, audit examinations were conducted of a licensed real estate corporation for which Respondent was the designated officer. The audits revealed numerous violations of the Real Estate Law.

Regulation 2911(n) (1): Respondent has not shown a change in attitude from that which existed at the time of the conduct in question. As part of the petition application process, Respondent had an interview with a Department



1 representative. Respondent did not indicate that he would  
2 correct the violations found during the audit.

3           Given the fact that Respondent has not established  
4 that he has met the criteria of Regulations 2911(k) and  
5 2911(n)(1), I am not satisfied that Respondent is sufficiently  
6 rehabilitated to receive a real estate broker license.  
7

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

11           This Order shall become effective at 12 o'clock noon  
12 on           APR 30 2007

13  
14 DATED: \_\_\_\_\_

15 JEFF DAVI  
16 Real Estate Commissioner  
17  
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21  
22  
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24

25 cc: Arthur J. Shaboul  
26 16820 Tribune St.  
27 Granada Hills, CA 91344



DEPARTMENT OF REAL ESTATE

By [Signature]

\* \* \* \* \*

No. H-29528 LA

L-2002070317

Respondent .

The Proposed Decision dated October 17, 2002, 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.

The application for a real estate broker license is denied, but the right to a restricted real estate broker license is granted to respondent. There is no statutory restriction on when a new application may be made for an unrestricted license. Petition for the removal of restrictions from a restricted license is controlled by Section 11522 of the Government Code. A copy of Section 11522 is attached hereto for the information of respondent.

If and when application is made for a real estate broker license through a new application or through a petition for removal of restrictions, all competent evidence of rehabilitation presented by the respondent will be considered by the Real Estate Commissioner. A copy of the Commissioner's Criteria of Rehabilitation is attached hereto.

noon on This Decision shall become effective at 12 o'clock  
December 2, 2002 . *m*

IT IS SO ORDERED

PAULA REDDISH ZINNEBANN  
Real Estate Commissioner

Paula Redden



**BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA**

**In the Matter of the Application of  
ARTHUR JOSEPH SHABOUL,  
Respondent:**

**Case No. H-29528 LA  
OAH No. L2002070317**

**PROPOSED DECISION**

This matter came on regularly for hearing before H. Stuart Waxman, Administrative Law Judge, Office of Administrative Hearings, at Los Angeles, California on October 1, 2002.

Complainant, Maria Suarez, was represented by James R. Peel, Staff Counsel.

Respondent, Arthur Joseph Shaboul ("Respondent"), was present and was represented Dennis G. Harkavy, Attorney at Law.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision.

**FACTUAL FINDINGS**

The Administrative Law Judge makes the following Factual Findings:

1. The Statement of Issues was made by Maria Suarez, Complainant, who is a Deputy Real Estate Commissioner of the State of California, acting in her official capacity.
2. On or about October 26, 2001, Respondent submitted an application to the Department of Real Estate ("the Department") for a real estate broker license. The Department denied Respondent's application and this matter ensued.

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3. On November 18, 1999, in Municipal Court, Van Nuys Judicial District, County of Los Angeles, State of California, in Case No. 9PN04494, Respondent was convicted, on his plea of nolo contendere, of violation of Penal Code section 242-243(e) (Violence Used Against a Former Spouse), a crime involving moral turpitude and one substantially related to the qualifications, functions and duties of a real estate licensee.

4. Respondent was placed on summary probation under various terms and conditions including payment of fines and fees totaling \$110.00, enrollment in a 12-month batterer's counseling program, and performance of 45 days of Cal Trans service. He was ordered not to annoy, harass or molest anyone involved in the case and to stay at least 100 yards away from the victim and witnesses. A protective order was issued against him.

5. The facts and circumstances underlying the conviction are that Respondent's former girlfriend telephoned him and told him to remove his belongings from her home. He went to her home to comply with her request and they argued while he was there. While they were arguing, Respondent and his former girlfriend pushed each other. The police were not called to the scene while Respondent was present.

6. Respondent has complied with all of the terms of his probation and the probation is scheduled to terminate next month. Respondent finished the anger management classes on December 4, 2000 and found them to be of great benefit. He believes that, between the lessons he learned in those classes and the natural maturation process, he can control his anger. He wishes he had such classes available to him in high school. The group leader in his batterer's program found Respondent to be a model student and considered his prognosis to be excellent.

7. For the past three years, Respondent has worked for a company that tracks and surveys nationwide interest rates for banks and other financial institutions. He is presently a manager responsible for three departments. He holds a bachelor's degree in finance with a minor in real estate from California State University at Northridge. He desires to obtain his real estate broker license because he believes it will be helpful in his career.

8. Respondent no longer has any connection with the former girlfriend who was involved in the incident that resulted in his conviction. He is not married and does not have any children, but does have other family ties. He belongs to a church that he attends on Sundays. Aside from the above-referenced conviction, he has had no negative contact with the criminal justice system.

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## LEGAL CONCLUSIONS

Pursuant to the foregoing Factual Findings, the Administrative Law Judge makes the following legal conclusions:

Cause exists for the denial of Respondent's application pursuant to Business and Professions Code sections 480(a) and 10177(b), for conviction of a crime, as set forth in Findings 3, 4 and 5.

Albeit still on probation for another month, Respondent has satisfied the majority of the Department's applicable criteria of rehabilitation as set forth in Title 10, California Code of Regulations, section 2911. Specifically, more than two years have elapsed since his conviction [Criterion (a)], he has paid his fines and fees in connection with the conviction [Criterion (g)], he has a stable family life [Criterion (h)], he is involved with his church [Criterion (l)], he has terminated his relationship with his former girlfriend [Criterion (m)], and he has exhibited a change in attitude as evidenced by his reaction to the anger management classes and the views of his group leader in those classes [Criterion (n)].

The violence Respondent exhibited on the day of the incident appears to have been minimal and mutual. While no amount of violence may be condoned, it now appears that Respondent is far better able to control his emotions and impulses than before and no longer presents a significant risk to the public.

Respondent has not yet demonstrated complete rehabilitation but he is well on the way to doing so. The public interest should be adequately protected by the issuance of a properly conditioned restricted license.

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## ORDER

**WHEREFORE, THE FOLLOWING ORDER is hereby made:**

Respondent's application for a real estate broker license is denied; provided,  
however, a restricted real estate broker license shall be issued to Respondent pursuant  
to Section 10156.5 of the Business and Professions Code. The restricted license issued  
to the Respondent shall be subject to all of the provisions of Section 10156.7 of the  
Business and Professions Code and to the following limitations, conditions and  
restrictions imposed under authority of Section 10156.6 of said Code:

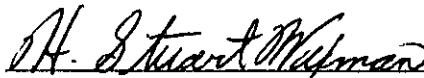
1. The license shall not confer any property right in the privileges to be  
exercised, and the Real Estate Commissioner may by appropriate order suspend the  
right to exercise any privileges granted under this restricted license in the event of:

(a) The conviction of Respondent (including a plea of nolo contendere)  
of a crime which is substantially related to Respondent's fitness or capacity as a real  
estate licensee; or

(b) The receipt of evidence that Respondent has violated provisions of  
the California Real Estate Law, the Subdivided Lands Law, Regulations of the Real  
Estate Commissioner or conditions attaching to this restricted license.

2. Respondent shall not be eligible to apply for the issuance of an unrestricted  
real estate license nor the removal of any of the conditions, limitations or restrictions  
attaching to the restricted license until two years have elapsed from the date of  
issuance of the restricted license to Respondent.

DATED: October 17, 2002



H. STUART WAXMAN  
Administrative Law Judge  
Office of Administrative Hearings



SAC 10

**FILED**  
JUL 31 2002  
DEPARTMENT OF REAL ESTATE  
By [Signature]  
e the Department

DEPARTMENT OF REAL ESTATE

By [Signature]  
e the Department

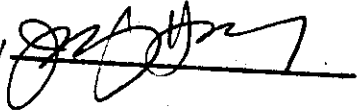
RE 500 (Rev. 8/97)



4010  
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2 Department of Real Estate  
3 320 West Fourth Street, Suite 350  
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6905 (direct)  
6 (213) 576-6982 (office)  
7

FILED  
JUN 04 2002  
DEPARTMENT OF REAL ESTATE

By 

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 \* \* \*

11 In the Matter of the Application of )  
12 ARTHUR JOSEPH SHABOUL, )  
13 Respondent. )

No. H-29528 LA

STATEMENT OF ISSUES

14  
15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against ARTHUR JOSEPH SHABOUL (Respondent) aka Arthur Shouble, is  
18 informed and alleges in her official capacity as follows:

19 I

20 Respondent made application to the Department of Real  
21 Estate of the State of California for a real estate broker  
22 license on or about October 26, 2001.

23 II

24  
25 On or about November 18, 1999, in the Municipal Court  
26 of Los Angeles, Van Nuys Judicial District, County of Los  
27 Angeles, State of California, Respondent was convicted by a nolo



1 contendere plea to one (1) count of violating Section 242/243(e)  
2 (Violence Used Against Former Spouse) of the California Penal  
3 Code. This misdemeanor crime involves moral turpitude and is  
4 substantially related under Section 2910, Chapter 6, Title 10 of  
5 the California Code of Regulations, to the qualifications,  
6 functions or duties of a real estate licensee.

7  
8 III

9 Respondent's criminal conviction, as alleged in  
10 Paragraph II above, constitutes cause for denial of Respondent's  
11 application for a real estate license under Sections 480(a) and  
12 10177(b) of the California Business and Professions Code (Code).

13 These proceedings are brought under the provisions of  
14 Section 10100 of the Code and Sections 11500 through 11528 of the  
15 California Government Code.

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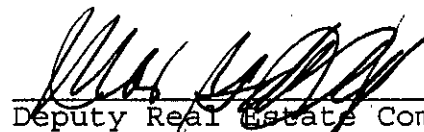
27 ///



1           WHEREFORE, the Complainant prays that the above-  
2 entitled matter be set for hearing and, that upon proof of the  
3 charges contained herein, that the Commissioner refuse to  
4 authorize the issuance of, and deny the issuance of, a real  
5 estate salesperson license to Respondent, ARTHUR JOSEPH SHABOUL,  
6 and for such other and further relief as may be proper under  
7 other applicable provisions of law.

8 Dated at Los Angeles, California,

9 this 30th day of May, 2002.  
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13 Deputy Real Estate Commissioner  
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25 cc: Arthur Joseph Shaboul  
26 Maria Suarez  
27 Sac  
RGD