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OCT - 1 2007
DEPARTMENT OF REAL ESTATE

R. Medhurst

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-31140 LA
)
SORAYA PIZZEY,)
)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 6, 2005, a Decision was rendered herein revoking Respondent's real estate salesperson license, but granting Respondent the right to apply for and be issued a restricted real estate salesperson license. Respondent failed to apply for a restricted real estate salesperson license.

On March 6, 2006, 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 and arguments in support thereof. Respondent has demonstrated to my satisfaction that Respondent meets the requirements of law for the issuance to Respondent of

1
2 an unrestricted real estate salesperson license and that
3 it would not be against the public interest to issue said
4 license to Respondent.

5 NOW, THEREFORE, IT IS ORDERED that Respondent's
6 petition for reinstatement is granted and that a real estate
7 salesperson license be issued to Respondent, if Respondent
8 satisfies the following conditions within nine (9) months
9 from the date of this Order:

10 1. Submittal of a completed application and payment
11 of the fee for a real estate salesperson license.

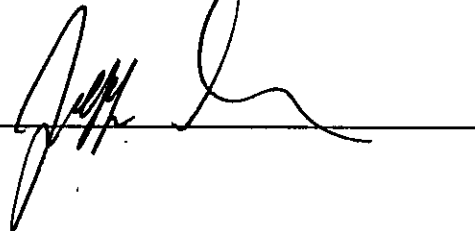
12 2. Submittal of evidence of having, since the most
13 recent issuance of an original or renewal real estate license,
14 taken and successfully completed the continuing education
15 requirements of Article 2.5 of Chapter 3 of the Real Estate
16 Law for renewal of a real estate license.

17 This Order shall be effective immediately.

18 Dated: 9-16-09

19 JEFF DAVI
20 Real Estate Commissioner

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FILED
JAN 14 2005
DEPARTMENT OF REAL ESTATE

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)
SORAYA PIZZEY,)
Respondent.)

No. H-31140 LA
L-2004080431

DECISION

The Proposed Decision dated December 3, 2004, 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.

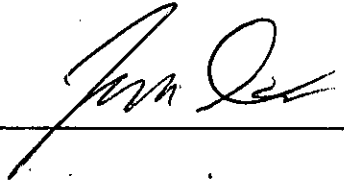
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

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 February 3, 2005.

IT IS SO ORDERED 1-6-05

JEFF DAVI
Real Estate Commissioner



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

In the Matter of the Accusation of:

SORAYA PIZZEY,

Respondent.

No. H-31140 LA

OAH No. L2004080431

PROPOSED DECISION

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on November 5, 2004, in Los Angeles, California. Complainant was represented by Martha J. Rosett, Staff Counsel for the Department of Real Estate. Respondent, Soraya Pizzey (Respondent), appeared and represented herself.

Oral and documentary evidence was received and argument was heard. The record was closed and the matter was submitted for decision on November 5, 2004. The Administrative Law Judge hereby makes her findings of fact, conclusions of law and orders, as follows:

FACTUAL FINDINGS

1. On July 30, 2004, Complainant, Maria Suarez, filed the Accusation in the above-captioned proceeding while acting in her official capacity as Deputy Real Estate Commissioner of the Department of Real Estate (Department), State of California.

2. Respondent is licensed by the Department as a real estate salesperson. Her real estate salesperson license was originally issued on June 14, 1996, and will expire on June 24, 2008, unless renewed.

3a. On January 27, 2003, in the Superior Court for the County of Orange, Case Number 03SM00115, entitled *The People of the State of California v. Soraya Edith Pizzey*, Respondent was convicted, on her plea of guilty, of violating Penal Code sections 242 (battery) and 591 (cutting a utility line), both misdemeanors which are substantially related to the qualifications, functions and duties of a real estate licensee. These crimes are not crimes of moral turpitude.

3b. Respondent's sentence was suspended and she was placed on informal probation for three years. Respondent was also ordered to serve 90 days in county jail, with 60 days stayed, pending her successful completion of probation. The remaining 30 days

were served on eight consecutive weekends. Respondent was further ordered to complete a 10-week anger management program and to pay a \$100 fine and restitution to the victim, I.D.¹ The Court ordered Respondent not to have any contact with the victim, and not to go within 100 yards of the victim, or the victim's home, work or children's school. On October 14, 2005, the Court modified its restraining order to preclude only "violent" contact with the victim.

3c. The facts and circumstances surrounding the conviction were as follows: On January 18, 2003, Respondent engaged in an altercation with her sister, I.D., where Respondent kicked and hit her sister's head. During the fight, Respondent ripped the telephone cord from the wall.

4. Respondent described the incident as a family argument gone awry, arising from several sources of personal tension. The conflict giving rise to the incident began brewing months prior to the incident. Respondent stated that she had raised her two children by herself and that, when they left, she "allowed [a man] into [her] life that [she] would not normally have allowed." During the time she was dating her new boyfriend, several factors combined to cause her insolvency. Respondent's financial troubles resulted in her losing her home in a foreclosure and ending up in a homeless shelter. Following Respondent's financial difficulties, I.D. told Respondent that she was irresponsible and that she had caused financial pressure for both of them, since they were the sole financial support for their sick mother. Respondent, in turn, was upset that, during Respondent's time of crisis, her sister had not invited her to stay in her home.

5. The altercation occurred at Respondent's sister's home, where Respondent had gone to use the shower and the washing machine. Respondent's sister began "lecturing" Respondent, and Respondent became angry when her sister told her that she was a disgrace to her children. At that point, they began "fighting like kids again." Respondent recalled them wrestling and pulling each other's hair. She does not recall kicking or hitting her sister's head. The phone cord was ripped from the wall when they were wrestling for the phone in a contest to be the person calling the police. The fight escalated to a point where the neighbors called the police.

6. Respondent expressed remorse for her actions and acknowledged responsibility for the incident. Despite her acceptance of blame, Respondent maintained that she was not attacking her sister, but that it was "mutual combat."

7. Respondent completed the requisite anger management program and paid all Court ordered monetary obligations. During the period when the restraining order was in effect, Respondent maintained complete compliance and kept away from her sister. Respondent is scheduled to remain on probation until January 2006.

¹ The victim's initials are used in lieu of her name, in order to protect her privacy.

8. After her conviction, Respondent spent some additional time in a homeless shelter. However, she is now employed with a new broker. She has a home and is supporting herself. She is not involved with her former boyfriend and enjoys a stable relationship with her family. Respondent is a committee member on a board which organizes fundraisers to raise money for various charities in the community.

9. Respondent understands now that what she did was wrong. She assured the Department that the incident was an isolated one and that her anger management training has given her new skills to deal with stress.

10. Respondent submitted several letters of reference describing her as polite, professional and never aggressive or hostile. Additionally, a long-time friend and business associate of Respondent testified that Respondent is not a violent person and that it was atypical for her to hurt her anyone. The evidence revealed that several of the references had knowledge of Respondent's conviction.

11. Respondent's sister, I.D., submitted letter of reference, noting that Respondent had "completely turned around" and that they "have a closer relationship" now.

LEGAL CONCLUSIONS

1. Cause exists to suspend or revoke Respondent's real estate salesperson's license, pursuant to Business and Professions Code section 490 and California Code of Regulations, title 10, section 2910, subdivision (a)(8), for her criminal convictions which are substantially related to the duties, qualifications, and functions of a real estate licensee, as set forth in Factual Finding 3a.

2. Cause does not exist to suspend or revoke Respondent's real estate salesperson's license, pursuant to Business and Professions Code section 10177, subdivision (b), because Respondent's crimes are neither felonies nor crimes of moral turpitude, as set forth in Factual Finding 3a.

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3. Respondent has substantially complied with many of the Department's rehabilitation criteria set forth in California Code of Regulations, title 10, section 2912, as follows:

- (1) Respondent has paid restitution to I.D.
[Subdivision (b)];
- (2) Respondent has paid all fines and monetary penalties imposed in connection with her criminal conviction.
[Subdivision (g)];
- (3) Respondent has new social and business relationships from those which existed at the time of the commission of the crime.
[Subdivision (i)];
- (4) Respondent now has a stable family life and has eliminated any antipathy that existed between her sister and her;
[Subdivision (j)];
- (5) Respondent is involved in the community through her fundraising efforts for various charities.
[Subdivision (l)];
- (6) Respondent has had a change in attitude since her conviction, as set forth in Factual Findings 6, 7, 8, 9, and 11.
[Subsection (m)].

4. Respondent's satisfaction of the Department's rehabilitation criteria occurred while she was on probation. Since people have a strong incentive to obey the law while under the supervision of the criminal justice system, little weight is generally placed on the fact that an applicant has engaged in good behavior while on probation or parole. (See, *In Re: Gossage* (2000) 23 Cal.4th 1080.) In this case, however, Respondent has gone beyond the requirements of her criminal probation and has become a productive member of society and an ally to various charities through her fundraising efforts. Furthermore, she has worked toward restoring relations in the arena where the conflict arose, providing a greater assurance that reoccurrence is unlikely.

5. Notwithstanding Legal Conclusion Number 1 above, Respondent has demonstrated sufficient rehabilitation following her conviction, such that, in this case, outright revocation of all licensing rights would be overly-harsh discipline.

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ORDER

All licenses and licensing rights of Respondent, Soraya Pizzey, under the Real Estate Law are revoked; provided, however, a restricted real estate salesperson license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions Code if Respondent makes application therefor and pays to the Department of Real Estate the appropriate fee for the restricted license within 90 days from the effective date of this Decision. The restricted license issued to 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 that Code:

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

2. The restricted license issued to Respondent may be suspended prior to hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner 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 the restricted license.

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

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

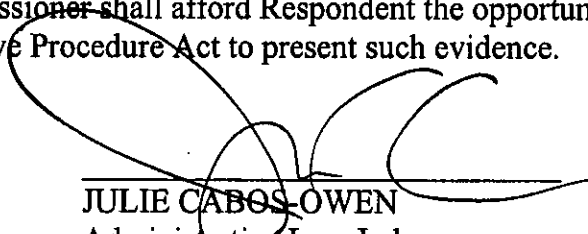
(a) That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

(b) That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

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5. Respondent shall, within nine months from the effective date of this Decision, present evidence satisfactory to the Real Estate Commissioner that Respondent has, since the most recent issuance of an original or renewal real estate license, taken and successfully completed the continuing education requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate license. If Respondent fails to satisfy this condition, the Commissioner may order the suspension of the restricted license until the Respondent presents such evidence. The Commissioner shall afford Respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

DATED: December 3, 2004



JULIE CABOS-OWEN
Administrative Law Judge
Office of Administrative Hearings

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of)
)
 SORAYA PIZZEY,)
)
 _____)
 Respondent(s)

Case No. H-31140 LA

OAH No. L-2004080431

FILED
SEP 21 2004
DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING ON ACCUSATION

To the above-named Respondent(s):

You are hereby notified that a hearing will be held before the Department of Real Estate at the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, CA 90013-1105 on FRIDAY, NOVEMBER 5, 2004, at the hour of 1:30 P.M., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

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 and pay his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: September 21, 2004

By


MARTHA J. ROSETT, Counsel

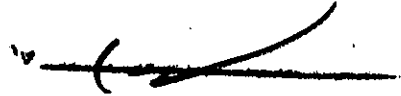
cc: Soraya Pizzezy
Robert Winslow Baker
Sacto.
OAH

SAC.

1 MARTHA J. ROSETT, Counsel (SBN 142072)
2 Department of Real Estate
3 320 West Fourth St., #350
4 Los Angeles, CA 90013-1105

4 (213) 576-6982
5 (213) 576-6907

FILED
AUG - 4 2004
DEPARTMENT OF REAL ESTATE



8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Accusation of)	No. H-31140 LA
12)	
13 SORAYA PIZZEY,)	<u>A C C U S A T I O N</u>
14)	
15 Respondent.)	
16)	

16 The Complainant, Janice Waddell, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against SORAYA PIZZEY, aka Soraya Edith Pizzey, Edith Soraya
19 Pizzey, Soraya Edith Pitrelli, and Edith Soraya Pitrelli
20 (hereinafter "Respondent") is informed and alleges as follows:

21 1.

22 The Complainant, Janice Waddell, a Deputy Real Estate
23 Commissioner of the State of California, makes this Accusation in
24 her official capacity.

25 2.

26 At all times herein mentioned, Respondent was and still
27 is licensed and/or has license rights under the Real Estate Law

1 (Part 1 of Division 4 of the Business and Professions Code,
2 hereinafter "Code"). At all times mentioned herein, Respondent
3 was licensed as a real estate salesperson. Respondent was first
4 licensed by the Department on or about June 14, 1996.

5 3.

6 On or about January 27, 2003, in the Superior Court of
7 California, County of Orange, in case number 03SM00115,
8 Respondent was convicted of one count of violating Penal Code
9 Sections 242 (Battery) and 591 (Cutting a Utility Line), crimes
10 which by their circumstances involved moral turpitude and which
11 are substantially related to the qualifications, functions and
12 duties of a real estate licensee pursuant to Title 10, Chapter 6
13 of the California Code of Regulations, Regulation 2910(a)(8).
14 Respondent was sentenced to 90 days in jail. However, 60 days of
15 the 90-day sentence was stayed pending successful completion of
16 probation with no new violations. Respondent was also required
17 to pay a restitution fine, complete a 10-week Anger Management
18 Program, and ordered not to go within 100 yards of the victim.

19 4.

20 Respondent's convictions, as set forth in Paragraph 3
21 above, constitute grounds to suspend or revoke Respondent's real
22 estate license and license rights pursuant to Code Sections
23 10177(b) and 490.

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1 WHEREFORE, the Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent
5 SORAYA PIZZEY under the Real Estate Law and for such other and
6 further relief as may be proper under applicable provisions of
7 law.

8 Dated at Los Angeles, California

9 this 30 day of July, 2004.

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12 Deputy Real Estate Commissioner
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25 cc: Soraya Pizzey
26 Robert Winslow Baker
27 Sacto.
Janice Waddell
AE