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DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-31321 LA
SARA SUNBOLIYAN,)
Respondent.)

ORDER GRANTING REINSTATEMENT OF LICENSE

On March 3, 2005, a Decision was rendered herein
revoking the real estate salesperson license of Respondent,
but granting Respondent the right to apply for and be issued
a restricted real estate salesperson license. A restricted
real estate salesperson license was issued to Respondent on
May 17, 2005. Respondent has operated as a restricted licensee
without cause for disciplinary action against Respondent since
that time.

On March 13, 2007, Respondent petitioned for
reinstatement of said license and the Attorney General of
the State of California has been given notice of the filing
of said petition.

1 I have considered the petition of Respondent and
2 the evidence and arguments in support thereof, including
3 Respondent's record as a restricted licensee. Respondent
4 has demonstrated to my satisfaction that Respondent meets
5 the requirements of law for the issuance to Respondent of
6 an unrestricted real estate salesperson license and that
7 it would not be against the public interest to issue said
8 license to Respondent.

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

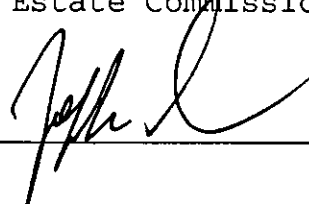
14 1. Submittal of a completed application and payment
15 of the fee for a real estate salesperson license.

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

21 This Order shall be effective immediately.

22 Dated: 11-7-07.

23
24 JEFF DAVI
25 Real Estate Commissioner

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FILED
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DEPARTMENT OF REAL ESTATE

DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

By 

* * * * *

In the Matter of the Accusation of)
SARA SUNBOLIYAN,)
Respondent.)

No. H-31321 LA
L-2004100555

DECISION

The Proposed Decision dated February 7, 2005, 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.

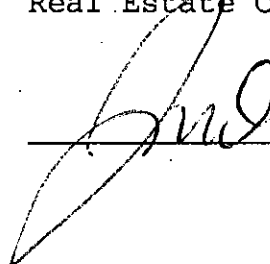
The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on March 29, 2005.

IT IS SO ORDERED

3-3-05

JEFF DAVI
Real Estate Commissioner



BEFORE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

SARA SUNBOLIYAN,

Respondent.

Case No. H-31321 LA

OAH No. L-2004100555

PROPOSED DECISION

This matter was heard by Vincent Nafarrete, Administrative Law Judge of the Office of Administrative Hearings, on January 14, 2005, in Los Angeles. Complainant was represented by Kelvin K. Lee, Staff Counsel. Respondent was present and represented herself.

Oral and documentary evidence having been received and the matter submitted for decision, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Administrative Law Judge takes official notice that, on September 17, 2004, the Accusation, Case No. H-31321 LA, was made and filed by Maria Suarez in her official capacity as Deputy Real Estate Commissioner, Department of Real Estate, State of California (hereinafter Department).

2. On or about November 13, 1999, the Department issued real estate salesperson's license no. 01268977 and licensing rights to Sara Sunboliyan (hereinafter respondent). Said license expires on November 12, 2007, and currently is in full force and effect.

3. On or about October 21, 2003, respondent filed a Salesperson Renewal Application in which she disclosed that she had been convicted of petty theft in July 2003. Her employing broker read and signed her application, certifying that she was employed at Rodeo Realty, Inc.

4. (A) On or about May 21, 2003, before the Superior Court of California, County of Los Angeles, State of California, in People v. Sara Sunboliyan, Case No.

3PN02209, respondent was convicted on her plea of nolo contendere of petty theft in violation of Penal Code sections 484 and 488, a misdemeanor and crime involving moral turpitude.

(B) Imposition of sentence was suspended and respondent was placed on summary probation for two (2) years on condition, in part, that she serve one day in the county jail with credit for time served, perform 140 hours of community service, pay a restitution fine of \$110, stay 100 yards away from the location of her arrest, and obey all laws and orders of the court.

(C) The facts and circumstances of respondent's offense are that, on or about April 26, 2003, respondent went to the Macy's department store in Woodland Hills to exchange three shirts or tops. She waited in line for half of an hour to conduct the exchange but became impatient and stressed because she had an appointment with a client. Respondent decided to exchange the shirts herself. She found three shirts, placed the shirts in her purse, and left the department store without paying for the clothing. The value of the three shirts was \$135.00.

(D) Respondent's conviction for petty theft was for a crime substantially related to the qualifications, functions, or duties of a real estate salesperson. Honesty and integrity are qualities expected of a Department licensee.

5. When she was arrested by store security, respondent admitted taking the merchandise. She disclosed the conviction on her renewal application and told her employing broker about her offense. On the Confidential Interview Information Statement, she expressed humiliation and shame for her offense. On the Conviction Detail Report, respondent explained that she lost her patience at the department store and deeply regrets her conduct.

6. During the hearing in this matter, respondent expressed sincere sorrow and remorse for her offense. She remains very embarrassed and ashamed by her crime and conviction. She states that she would never again commit a theft. Respondent testified in a sincere and forthright manner.

7. On July 3, 2003, respondent completed the 140 hours of community service ordered by the court. She performed the community service by cleaning a veteran's center in Canoga Park. On July 7, 2003, respondent paid the restitution fine of \$110 to the Superior Court. Respondent will remain on summary probation for just four more months until May 21, 2005.

8. In addition to her employing broker, respondent has told her husband and four adult children about her offense. Her husband is disabled due to a back condition and all four of her children attend college. Respondent is the sole means of support for her family.

9. For the past four years, respondent has worked as a real estate salesperson for Paramount Rodeo Realty which has corporate offices in Calabasas. She has exhibited professionalism in performing her real estate activities as well as care for her clients. Many clients have expressed satisfaction in her performance and she has had a positive impact on the sales office. The branch manager recommends respondent as a licensed salesperson.

10. Respondent enjoys working as a real estate salesperson. She realizes that her theft conviction is related to her real estate duties since she receives deposit checks from clients and conducts open house sales visits where clients' monies and belongings are present in the homes. Respondent is truly sorry about her offense and promises not to do anything like that again.

* * * * *

Based on the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent's real estate salesperson's license under Business and Professions Code section 10177 subdivision (b) and section 490 for conviction of a crime involving moral turpitude and substantially related to the qualifications, functions, and duties of a real estate licensee, based on Findings nos. 3 - 4 above.

2. Rehabilitation—Respondent is almost rehabilitated from her theft conviction under the criteria set forth in California Code of Regulations, title 10, section 2911, based on Findings 5 – 10 above. Her offense and conviction occurred less than two years ago and she will be on probation for another four months. On the other hand, respondent has paid the restitution fine and completed the community service for her offense. She has been candid about her offense to the Department, her employer, and her family, which demonstrates she has taken significant steps toward rehabilitation. She is very sorry and ashamed about her offense and has learned a difficult lesson in having patience, coping with stress, and exercising sound judgment. She has been an excellent employee at her realty company which is aware of her offense and wants to retain her. Respondent's offense appears to be an isolated incident and she should be allowed to continue working as a real estate salesperson under certain terms and conditions of a restricted license.

* * * * *

Wherefore, the following Order is hereby made:

ORDER

All real estate licenses and licensing rights of respondent Sara Sunboliyan shall be revoked, based on Conclusions of Laws No. 1; provided, however, said order of revocation will be stayed and a restricted real estate salesperson's license will be issued to respondent pursuant to Business and Professions Code Section 10156.5 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 and Order, based on Conclusions of Law no. 2. The restricted license issued to respondent shall be subject to all of the provisions of Business and Professions Code Section 10156.7 and to the following limitations, conditions, and restrictions imposed under the authority of Business and Professions Code Section 10156.6:

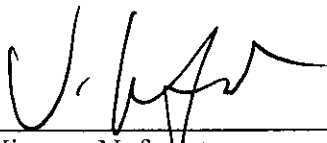
1. The restricted license issued to respondent may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of respondent's conviction or plea of nolo contendere to a crime which is substantially related to respondent's fitness or capacity as a real estate licensee.
2. The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

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 respondent presents such evidence. The Commissioner shall afford respondent the opportunity for a hearing pursuant to the Administrative Procedure Act to present such evidence.

6. Respondent shall, within six months from the effective date of this Decision, take and pass the Professional Responsibility Examination administered by the Department including the payment of the appropriate examination fee. If respondent fails to satisfy this condition, the Commissioner may order the suspension of respondent's license until she passes the examination.

DATED: Feb. 7, 2005



Vincent Nafarrete
Administrative Law Judge
Office of Administrative Hearings

5010
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(Direct) (213) 576-6905

FILED
SEP 22 2004
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) No. H-31321 LA
)
SARA SUNBOLIYAN,) A C C U S A T I O N
)
Respondent.)

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, for cause of Accusation
against SARA SUNBOLIYAN ("Respondent") alleges as follows:

I

The Complainant, Maria Suarez, a Deputy Real Estate
Commissioner of the State of California, makes this Accusation
in her official capacity.

II

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 ("Code"), as a real
estate salesperson.

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III

On or about May 21, 2003, in the Superior Court of California, County of Los Angeles, in Case No. 3PNO2209, Respondent SARA SUNBOLIYAN, was convicted of one (1) count of violating Section 484, subdivision (a) of the California Penal Code, Petty Theft. This crime involves moral turpitude, and bears a substantial relationship under Section 2910, Title 10, Chapter 6, California Code of Regulations to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent was convicted, as described in Paragraph III above, constitutes cause under Sections 490 and 10177(b) of the Code for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

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1 WHEREFORE, 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 the licenses and license rights of
5 Respondent, SARA SUNBOLIYAN, under the Real Estate Law (Part 1
6 of Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 17th day of September, 2004.

11 
12 Maria Suarez
Deputy Real Estate Commissioner

13 cc: SARA SUNBOLIYAN
14 Rodeo Realty Inc.
15 Maria Suarez
Sacto.
LWA
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