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FLAG

FILED

MAR 10 2009

DEPARTMENT OF REAL ESTATE
By *L. Frost*

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of
SARKIS GEZALYAN,
Respondent.

No. H-31896 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On January 20, 2006, a Decision was rendered herein revoking the real estate salesperson license of Respondent effective February 21, 2006, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 21, 2006, and Respondent has operated as a restricted licensee since that time.

On May 12, 2008, 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 an unrestricted real estate salesperson license and that it would not be against the public interest to issue said license to Respondent.

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

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

6 2. Submittal of evidence of having, since the most recent issuance of an original
7 or renewal real estate license, taken and successfully completed the continuing education
8 requirements of Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a real estate
9 license.

10 This Order shall become effective immediately.

11 IT IS SO ORDERED 2/26/09

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13 JEFF DAVI
14 Real Estate Commissioner
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1 Department of Real Estate
2 320 West Fourth Street, Suite 350
3 Los Angeles, California 90013-1105

4 Telephone: (213) 576-6982

FILED
FEB 1 2006
DEPARTMENT OF REAL ESTATE

By Laura B. Cron

8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of	)	H-31896 LA
12 SARKIS GEZALYAN	)	L-2005060685
13 Respondent.	)	STIPULATION AND AGREEMENT
14	)	

15
16 It is hereby stipulated by and between SARKIS GEZALYAN
17 (Respondent) and his attorney of record, Olga Moretti, Esq., and
18 the Complainant, acting by and through KELVIN K. LEE, Counsel
19 for the Department of Real Estate of the State of California
20 (Department), as follows for the purpose of settling and
21 disposing of the Accusation filed on May 6, 2005, in this
22 matter:

23 1. All issues which were to be contested and all
24 evidence which was to be presented by Complainant and Respondent
25 at a formal hearing on the Accusation, which hearing was to be
26 held in accordance with the provisions of the Administrative
27 Procedure Act (APA), shall instead and in place thereof be

1 submitted solely on the basis of the provisions of this
2 Stipulation and Agreement (Stipulation).

3 2. Respondent has received, read and understands the
4 Statement to Respondent, the Discovery Provisions (APA) and the
5 Accusation filed by the Department of Real Estate in this
6 proceeding.

7 3. On June 6, 2005, Respondent filed a Notice of
8 Defense on Accusation pursuant to Section 11506 of the
9 California Government Code for the purpose of requesting a
10 hearing on the allegations in the Accusation. Respondent hereby
11 freely and voluntarily withdraws said Notice of Defense on
12 Accusation. Respondent acknowledges that he understands that
13 by withdrawing said Notice of Defense on Accusation he will
14 thereby waive his right to require the Real Estate Commissioner
15 of the State of California (Commissioner) to prove the
16 allegations in the Accusation at a contested hearing held in
17 accordance with the provisions of the APA and that he will waive
18 other rights afforded to him in connection with the hearing such
19 as the right to present evidence in defense of the allegations
20 in the Accusation and the right to cross-examine witnesses.

21 4. This Stipulation is based on the factual
22 allegations contained in the Accusation filed in this
23 proceeding. In the interest of expedience and economy,
24 Respondent chooses not to contest these factual allegations
25 but to remain silent and understands that, as a result thereof,
26 these factual statements, without being admitted or denied,
27

1 will serve as a prima facie basis for the disciplinary action
2 stipulated to herein. The Real Estate Commissioner shall not be
3 required to provide further evidence to prove such allegations.

4 5. This Stipulation and Respondent's decision not to
5 contest the Accusation are made for the purpose of reaching an
6 agreed disposition of this proceeding and are expressly limited
7 to this proceeding and any other proceeding or case in which the
8 Department of Real Estate ("Department"), or another licensing
9 agency of this state, another state, or if the federal
10 government is involved and otherwise shall not be admissible in
11 any other criminal or civil proceedings.

12 6. It is understood by the parties that the Real
13 Estate Commissioner may adopt the Stipulation as his Decision in
14 this matter thereby imposing the penalty and sanctions on
15 Respondent's real estate license and license rights as set forth
16 in the below "Order". In the event that the Commissioner in his
17 discretion does not adopt the Stipulation, it shall be void and
18 of no effect and Respondent shall retain the right to a hearing
19 and proceeding on the Accusation under all the provisions of the
20 APA and shall not be bound by any admission or waiver made
21 herein.

22 7. This Order or any subsequent Order of the Real
23 Estate Commissioner made pursuant to this Stipulation shall not
24 constitute an estoppel, merger, or bar to any further
25 administrative or civil proceedings by the Department of Real
26 Estate with respect to any conduct which was not specifically
27 alleged to be causes for accusation in this proceeding.

DETERMINATION OF ISSUES

By reason of the foregoing stipulations and waivers and solely for the purpose of settlement of the pending Accusation without a hearing, it is stipulated and agreed that the following Determination of Issues (Determination) shall be made:

The conduct, acts, and/or omissions of Respondent, SARKIS GEZALYAN, as set forth in the Accusation, constitute cause for the suspension or revocation of all the real estate licenses and license rights of Respondent SARKIS GEZALYAN under the provisions of Sections 490 and 10177(b) of the California Business and Professions Code (Code).

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

All licenses and licensing rights of Respondent SARKIS GEZALYAN, 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 Code if he makes application therefore and pays to the Department 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 Code and to the following conditions, limitations and restrictions imposed under the authority of Section 10156.6 of the Code:

1. The restricted license issued to Respondent may be

1 suspended prior to hearing by Order of the Commissioner in the
2 event of his conviction or plea of nolo contendere to a crime
3 which is substantially related to her fitness or capacity as a
4 real estate salesperson licensee.

5 2. The restricted license issued to Respondent may be
6 suspended prior to hearing by Order of the Commissioner on
7 evidence satisfactory to the Commissioner that he has violated
8 provisions of the Real Estate Law, the Subdivided Lands Law,
9 Regulations of the Real Estate Commissioner or conditions
10 attaching to the restricted license.

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

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

21 (a) That the employer broker has read the Decision of the
22 Commissioner which granted the right to a restricted license:
23 and

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

1 5. Respondent shall, within nine (9) months from the
2 effective date of this Decision, present evidence satisfactory
3 to the Commissioner that he has, since the most recent issuance
4 of an original or renewal real estate salesperson license, taken
5 and successfully completed the continuing education requirements
6 of Article 2.5 of Chapter 3 of the Real Estate Law for renewal
7 of a real estate salesperson license. If Respondent fails to
8 satisfy this condition, the Commissioner may order the
9 suspension of the restricted license until Respondent presents
10 such evidence. The Commissioner shall afford Respondent the
11 opportunity for a hearing pursuant to the Administrative
12 Procedure Act (APA) to present such evidence.

13
14 DATED: Jan 5, 2006

Kelvin K. Lee
KELVIN K. LEE, Counsel
for Complainant, the
Department of Real
Estate

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18 I have read the Stipulation and discussed it with my
19 counsel and its terms are understood by me and are agreeable and
20 acceptable to me. I understand that I am waiving rights given to
21 me by the APA (including, but not limited to, Sections 11506,
22 11508, 11509 and 11513 of the Government Code) and I willingly,
23 intelligently and voluntarily waive those rights, including the
24 right of requiring the Commissioner to prove the allegations in
25 the Accusation at a hearing at which I would have the right to
26 cross-examine witnesses against me and to present evidence in
27 defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation by faxing a copy of the signature page, as actually signed by Respondent, to the Department at the following fax number: (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Department a fax copy of his actual signature as it appears on the Stipulation, that receipt of the fax copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Agreement.

DATED: 10-31-05

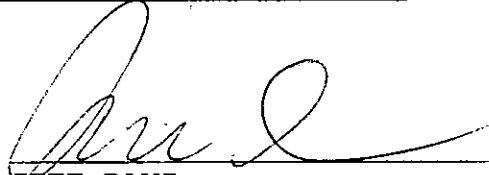

SARKIS GEZALYAN,
Respondent

DATED: 10-31-05


OLGA MORETTI
Counsel for the Respondent
* * *

The foregoing Stipulation and Agreement is adopted approved as my Decision in this matter and shall become effective at 12 o'clock noon on FEB 21 2006.

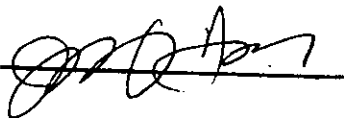
IT IS SO ORDERED 1-20-06


JEFF DAVI
Real Estate Commissioner

1 KELVIN K. LEE, Counsel (SBN 152867)
2 Department of Real Estate
3 320 West 4th Street, Suite 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6905

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MAY - 6 2005
DEPARTMENT OF REAL ESTATE

By 

7 BEFORE THE DEPARTMENT OF REAL ESTATE

8 STATE OF CALIFORNIA

9 * * *

10 In the Matter of the Accusation of) No. H-31896 LA
11 SARKIS GEZALYAN,)
12 Respondent.)
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The Complainant, Maria Suarez, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against SARKIS GEZALYAN ("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 was originally licensed and/or had 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 beginning on November 16, 2002.

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III

FIRST CAUSE OF ACTION

(CRIMINAL CONVICTION)

On or about August 20, 2003, in the Superior Court of California, County of Los Angeles, in case no. 03VN02881, Respondent SARKIS GEZALYAN, was convicted of one (1) count of violating Section 11713 of the California Vehicle Code, Displaying a Motor Vehicle for Sale at an Unlicensed Location. 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.

V

SECOND CAUSE OF ACTION

(PRIOR LICENSE DISCIPLINE BY ANOTHER AGENCY)

The Chief Deputy Director of the California Department of Motor Vehicles, in File No. D-03-0688, entered into a Compromise Settlement Agreement with the Respondent, SARKIS GEZALYAN, in which the Department of Motor Vehicles and the Respondent agreed to the revocation of his Motor Vehicle Dealer's License, No. D-38647, effective April 1, 2005.

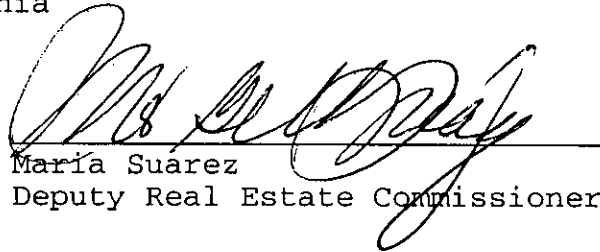
VI

Respondent's discipline by the California Department of Motor Vehicles, as described in Paragraph V, constitutes cause under Section 10177(f) of the Code for the suspension or revocation of all license and license rights of Respondent under 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 the licenses and license rights of Respondent, SARKIS GEZALYAN, 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 4th day of May, 2005.


Maria Suarez
Deputy Real Estate Commissioner

cc: SARKIS GEZALYAN
Maria Suarez
Sacto.
EG