

FLAG

FILED

SEP 28 2009

DEPARTMENT OF REAL ESTATE

By H. Max

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

\* \* \*

In the Matter of the Application of  
JUMANA MICHAEL,  
Respondent.

No. H-32211 LA

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On February 21, 2006, a Decision became effective herein denying Respondent's application for a real estate salesperson license, 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 March 13, 2006.

On June 2, 2008, Respondent petitioned for removal of the restrictions on said real estate salesperson license.

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).

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has

1 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real  
2 estate salesperson license at this time.

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

6 Regulation 2911(a) The passage of not less than two years since the most recent  
7 criminal conviction or act of the applicant that is a basis to deny the departmental action sought.  
8 (A longer period will be required if there is a history of acts or conduct substantially related to  
9 the qualifications, functions or duties of a licensee of the department.)

10 On February 19, 1982, in Los Angeles County Municipal Court, Respondent was  
11 convicted of Petty Theft in violation of Penal Code Section 484, a misdemeanor. On January 14,  
12 1985, in the Los Angeles County Municipal Court, Respondent was convicted of Credit Card  
13 Forgery in violation of Penal Code Section 484(f)2. On March 13, 1985, in the Los Angeles  
14 County Municipal Court, Respondent was convicted of Petty Theft in violation of Penal Code  
15 Section 484(a), a misdemeanor. On February 15, 1995, in Los Angeles County Municipal Court,  
16 Respondent was convicted of Reckless Driving in violation of Vehicle Code Section 23103(a), a  
17 misdemeanor involving voluntary intoxication. On July 31, 1997, in the Los Angeles County  
18 Municipal Court, Respondent was convicted of Petty Theft in violation of Penal Code Section  
19 484(a), a misdemeanor. On April 4, 2000, in Los Angeles County Municipal Court, Respondent  
20 was convicted of Petty Theft With A Prior in violation of Penal Code Section 666, a felony.  
21 On May 31, 2006, in Ventura County Superior Court, Respondent was convicted of Driving With  
22 Blood Alcohol over .08% in violation of Vehicle Code Section 23152(b), a misdemeanor.

23 Regulation 2911(c) Expungement of criminal convictions resulting from immoral  
24 or antisocial acts.

25 Respondent's May 31, 2006 conviction for Driving With Blood Alcohol over  
26 .08% in violation of Vehicle Code Section 23152(b) has not been expunged.

27 ///

1 Regulation 2911(i) Completion of, or sustained enrollment in, formal educational  
2 or vocational training courses for economic self-improvement.

3 Respondent has submitted no evidence of qualifying educational activities.

4 Regulation 2911 (l) Significant or conscientious involvement in community,  
5 church or privately-sponsored programs designed to provide social benefits or to ameliorate  
6 social problems.

7 Respondent has submitted no evidence of qualifying community service activities.

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

10 (1) Testimony of applicant.

11 (2) Evidence from family members, friends or other persons familiar with  
12 applicant's previous conduct and with his subsequent attitudes and behavioral  
13 patterns.

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

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

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

21 On March 31, 2006, in Ventura County Superior Court, Respondent was  
22 convicted of Driving With Blood Alcohol over .08% in violation of Vehicle Code Section  
23 23152(b), a misdemeanor.

24 In view of Respondent's failure to demonstrate compliance with Regulations  
25 2911(a), (c), (i), (l) or (n) of the Criteria of Rehabilitation, I am not satisfied that Respondent's  
26 rehabilitation adequate supports issuance of an unrestricted license to Respondent.

27 ///

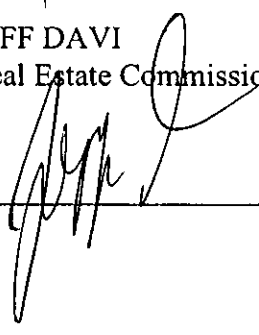
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

This Order shall become effective at 12 o'clock noon on OCT 14 2009

DATED: 9-20-09

JEFF DAVI  
Real Estate Commissioner

  
\_\_\_\_\_



1 entering into this stipulation and waiver Respondent will be stipulating that the Real Estate Commissioner  
2 has found that Respondent has failed to make such a showing, thereby justifying the denial of the issuance  
3 to Respondent of an unrestricted real estate salesperson license.

4 Respondent hereby admits that the allegations of the Statement of Issues filed against Respondent are  
5 true and correct and requests that the Real Estate Commissioner in his discretion issue a restricted real  
6 estate salesperson license to Respondent under the authority of Section 10156.5 of the Business and  
7 Professions Code. Respondent understands that any such restricted license will be issued subject to and be  
8 limited by Section 10153.4 of the Business and Professions Code.

9 Respondent is aware that by signing this Stipulation and Waiver, Respondent is waiving Respondent's  
10 right to a hearing and the opportunity to present evidence at the hearing to establish Respondent's  
11 rehabilitation in order to obtain an unrestricted real estate salesperson license if this Stipulation and Waiver  
12 is accepted by the Real Estate Commissioner. However, Respondent is not waiving Respondent's right to a  
13 hearing and to further proceedings to obtain a restricted or unrestricted license if this Stipulation and  
14 Waiver is not accepted by the Commissioner.

15 Respondent further understands that the following conditions, limitations, and restrictions will attach  
16 to a restricted license issued by the Department of Real Estate pursuant hereto:

- 17 1. The license shall not confer any property right in the privileges to be exercised including the  
18 right of renewal, and the Real Estate Commissioner may by appropriate order suspend the right  
19 to exercise any privileges granted under this restricted license in the event of:
- 20 a. The conviction of Respondent (including a plea of nolo contendere) to a crime which bears  
21 a substantial relationship to Respondent's fitness or capacity as a real estate licensee; or
  - 22 b. The receipt of evidence that Respondent has violated provisions of the California Real  
23 Estate Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner, or  
24 conditions attaching to this restricted license.
- 25 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license  
26 nor the removal of any of the conditions, limitations or restrictions attaching to the restricted  
27

1 license until two years have elapsed from the date of issuance of the restricted license to  
2 Respondent.

3 3. With the application for license, or with the application for transfer to a new employing broker,  
4 Respondent shall submit a statement signed by the prospective employing broker on a form  
5 approved by the Department of Real Estate wherein the employing broker shall certify as  
6 follows:

7 a. That broker has read the Statement of Issues which is the basis for the issuance of the  
8 restricted license; and

9 b. That broker will carefully review all transaction documents prepared by the restricted  
10 licensee and otherwise exercise close supervision over the licensee's performance of acts  
11 for which a license is required.

12 4. Respondent's restricted real estate salesperson license is issued subject to the requirements of  
13 Section 10153.4 of the Business and Professions Code, to wit: Respondent is required, within  
14 eighteen (18) months of the issuance of the restricted license, to submit evidence satisfactory to  
15 the Commissioner of successful completion, at an accredited institution, of  
16 a course in real estate practices and one of the courses listed in Section 10153.2, other than real  
17 estate principles, advanced legal aspects of real estate, advanced real estate finance, or advanced  
18 real estate appraisal. If Respondent fails to timely present to the Department satisfactory  
19 evidence of successful completion of the two required courses, the restricted license shall be  
20 automatically suspended effective eighteen (18) months after the date of its issuance. Said  
21 suspension shall not be lifted unless, prior to the expiration of the restricted license, Respondent  
22 has submitted the required evidence of course completion and the Commissioner has given  
23 written notice to Respondent of the lifting of the suspension.

24 5. Pursuant to Section 10154, if Respondent has not satisfied the requirements for an unqualified  
25 license under Section 10153.4, Respondent shall not be entitled to renew the restricted license,  
26 and shall not be entitled to the issuance of another license which is subject to Section 10153.4  
27 until four years after the date of the issuance of the preceding restricted license.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

2/6/06

Dated

*Lisette Garcia*  
LISSETE GARCIA, Counsel, Department of Real Estate

\*\*\*

I have read the Stipulation and Waiver, have discussed it with my counsel, and its terms are understood by me and are agreeable and acceptable to me. I understand that I am waiving rights given to me by the California Administrative Procedure Act (including but not limited to Sections 11506, 11508, 11509, and 11513 of the Government Code), and I willingly, intelligently, and voluntarily waive those rights, including the right of a hearing on the Statement of Issues at which I would have the right to cross-examine witnesses against me and to present evidence in defense and mitigation of the charges.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver by faxing a copy of the signature page, as actually signed by respondent, to the Department at 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 and Waiver, that receipt of the faxed copy by the Department shall be as binding on Respondent as if the Department had received the original signed Stipulation and Waiver.

1/12/06

Dated

*Jumana Michael*  
JUMANA MICHAEL, Respondent

*I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.*

1/12/06

Dated

*Laizer D. Gould*  
LAIZER D. GOULD, Attorney for Respondent

\*\*\*

I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by Respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and truthfulness of Respondent need not be called and that it will not be inimical to the public interest to issue a restricted real estate salesperson license to Respondent.

Therefore, IT IS HEREBY ORDERED that a restricted real estate salesperson license be issued to Respondent, if Respondent has otherwise fulfilled all of the statutory requirements for licensure. The restricted license shall be limited, conditioned, and restricted as specified in the foregoing Stipulation and Waiver.

This Order is effective immediately.

IT IS SO ORDERED 2/21/06

  
\_\_\_\_\_  
Jeff Davi  
Real Estate Commissioner

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

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

**FILED**  
SEP 28 2005  
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)	No. H-32211 LA
12	)	
13	JUMANA MICHAEL,	<u>STATEMENT OF ISSUES</u>
14	)	
14	Respondent.	)
14	)	

15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for Statement of Issues  
17 against JUMANA MICHAEL, aka Shuaa Yousef Michael, Shuaa Michael  
18 Yousef, Shuaa Yousef Nakawati, Shuaa Yousef Hakawati, Shuaa Y.  
19 Hakawati, Clarie Cipriano, and Jaumana Michael and Sumana Michael  
20 ("Respondent"), alleges in her official capacity as follows:  
21

22 1.

23 On or about September 17, 2004, pursuant to the  
24 provisions of Section 10153.3 of the Business and Professions  
25 Code ("Code"), Respondent made application to the Department of  
26 Real Estate of the State of California for a real estate  
27

1 salesperson license with the knowledge and understanding that any  
2 license issued as a result of said application would be subject  
3 to the conditions of Section 10153.4 of the Business and  
4 Professions Code (hereinafter "Code").

5 2.

6 In response to Question #25 of her application for a  
7 real estate license, to wit, "HAVE YOU EVER BEEN CONVICTED OF ANY  
8 VIOLATION OF LAW? CONVICTIONS EXPUNGED UNDER PENAL CODE SECTION  
9 1203.4 MUST BE DISCLOSED. HOWEVER, YOU MAY OMIT MINOR TRAFFIC  
10 CITATIONS WHICH DO NOT CONSTITUTE A MISDEMEANOR...", Respondent  
11 marked the box "Yes", and disclosed only the two convictions set  
12 forth below in Paragraphs 3 and 4.

13 Convictions Disclosed

14 3.

15 On or about February 15, 1995, in the Los Angeles  
16 County Municipal Court, Van Nuys, State of California, in Case  
17 No. 95V00021, Respondent was convicted of violating Vehicle Code  
18 Section 23103(a) (reckless driving on a highway). Respondent was  
19 sentenced to three years probation, the terms and conditions of  
20 which included serving eight days in jail and payment of fines  
21 totaling \$723.00 (or community service in lieu thereof).

22 4.

23 On or about April 4, 2000, in the Los Angeles County  
24 Municipal Court, Van Nuys, State of California, in Case  
25 No. LA034881, Respondent was convicted of violating Penal Code  
26  
27

1 Section 666 (petty theft with prior), a felony and crime of moral  
2 turpitude which is substantially related to the qualifications,  
3 functions and duties of a real estate licensee. Respondent was  
4 sentenced to five years formal probation, the terms of which  
5 included serving 365 days in jail (stayed pending periodic  
6 progress reports), payment of fines, cooperation with the  
7 Probation Officer in a plan for psychiatric counseling regarding  
8 propensity to commit thefts, and registration with the local  
9 police or sheriff's department as a drug offender pursuant to  
10 Health and Safety Code Section 11590.

11 On or about February 5, 2003, Respondent's probation  
12 was converted from formal supervised to formal unsupervised. On  
13 or about May 8, 2003, Respondent's conviction was reduced to a  
14 misdemeanor pursuant to Penal Code Section 17 B. At that time,  
15 Respondent's conviction was also set aside pursuant to Penal Code  
16 Section 1203.4.

17  
18 Convictions not Disclosed

19 5.

20 On or about February 19, 1982, in the Los Angeles  
21 County Municipal Court, Van Nuys, State of California, in Case  
22 No. 694143, Respondent was convicted of violating Penal Code  
23 Section 484(a) (petty theft), a crime of moral turpitude which is  
24 substantially related to the qualifications, functions and duties  
25 of a real estate licensee. Respondent was sentenced to two  
26 months probation, the terms and conditions of which included five  
27

1 days in jail, a fine, and fifty hours of community service. On  
2 or about June 23, 1987, Respondent's conviction was set aside  
3 pursuant to Penal Code Section 1203.4. This conviction was not  
4 disclosed in her application for a real estate license.

5 6.

6 On or about January 14, 1985, in the Los Angeles County  
7 Municipal Court, Beverly Hills, State of California, in Case No.  
8 A090450, Respondent was convicted of violating Penal Code Section  
9 484(f)2 (credit card forgery), a crime of moral turpitude which  
10 is substantially related to the qualifications, functions and  
11 duties of a real estate licensee. Respondent was sentenced to  
12 twelve months summary probation, to include payment of a \$255.00  
13 fine and performance of 40 hours of community service. On or  
14 about June 23, 1987, the conviction was set aside pursuant to  
15 Penal Code Section 1203.4. This conviction was not disclosed in  
16 her application for a real estate license.

17 7.

18 On or about March 13, 1985, in the Los Angeles County  
19 Municipal Court, Glendale, State of California, in Case No.  
20 M843333, Respondent was convicted of violating Penal Code Section  
21 484(a) (petty theft), a crime of moral turpitude which is  
22 substantially related to the qualifications, functions and duties  
23 of a real estate licensee. Respondent was sentenced to two years  
24 probation, to include ten days in jail and a fine of \$680.00.

25 ///  
26

8.

1  
2 On or about July 31, 1997, in the Los Angeles County  
3 Municipal Court, State of California, in Case No. 7 PN05185,  
4 Respondent was convicted of violating Penal Code Section 484(a)  
5 (petty theft), a crime of moral turpitude which is substantially  
6 related to the qualifications, functions and duties of a real  
7 estate licensee. Respondent was sentenced to one year summary  
8 probation, the terms of which included performance of eighty  
9 hours of community service and fines. On or about September 7,  
10 1999, Respondent's conviction was set aside pursuant to Penal  
11 Code Section 1203.4.

12  
13 9.

14 Respondent's convictions, as set forth in Paragraphs 4,  
15 5, 6, 7, and 8 above, constitute grounds for denial of  
16 Respondent's application for a real estate license pursuant to  
17 Code Sections 480(a) and/or 10177(b).

18  
19 10.

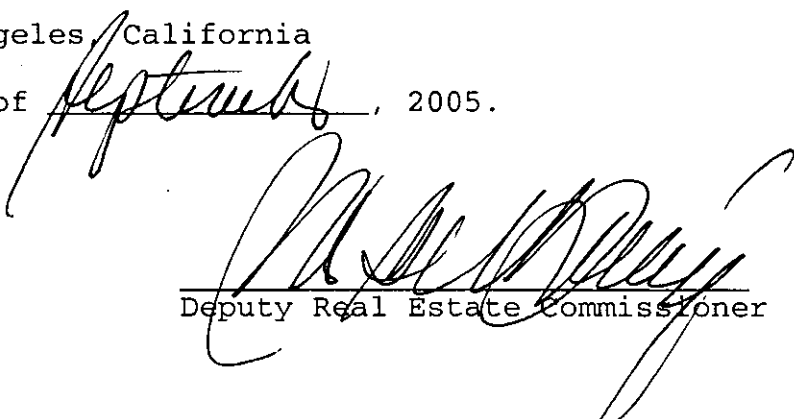
20 Respondent's failure to reveal the convictions set  
21 forth in Paragraphs 5, 6, 7, and 8 above in her application for a  
22 real estate license constitutes grounds to deny her application  
23 pursuant to Code Sections 480(c) and/or 10177(a).

24 These proceedings are brought under the provisions of  
25 Section 10100, Division 4 of the Business and Professions Code of  
26 the State of California and Sections 11500 through 11528 of the  
27 Government Code.

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

7 Dated at Los Angeles, California

8 this 27<sup>th</sup> day of September, 2005.

9  
10  
11   
12 Deputy Real Estate Commissioner  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

23 cc: Jumana Michael  
24 Sacto.  
25 Maria Suarez  
26 CBH  
27