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**FILED**

OCT 24 2009

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

MARIO GEORGE MONDEV,

Respondent.

No. H-32975 LA

ORDER GRANTING REINSTATEMENT OF LICENSE

On December 6, 2006, a Decision was rendered herein revoking the real estate salesperson license of Respondent, 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 21, 2007, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On February 27, 2009, 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 the petition.

I have considered Respondent's petition 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 twelve (12) months from the date of this  
4 order:

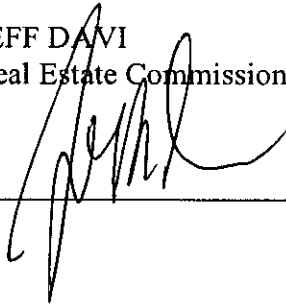
- 5                    1.     Submittal of a completed application and payment of the fee for a real  
6 estate salesperson license.
- 7                    2.     Submittal of evidence of having, since the most recent issuance of an  
8 original or renewal real estate license, taken and successfully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

11                    This Order shall become effective immediately.

12                    DATED: 10/6/09

13                    JEFF DAVI  
14                    Real Estate Commissioner

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FILED  
DEC 13 2006  
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

\* \* \* \* \*

In the Matter of the Accusation of )	No. H-32975 LA
MARIO GEORGE MONDEV, )	L-2006070758
Respondent. )	
_____ )	

DECISION

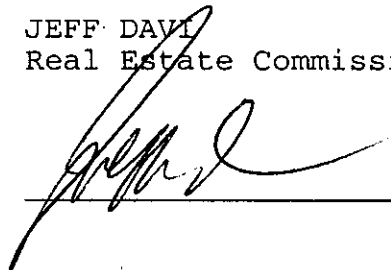
The Proposed Decision dated November 3, 2006, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

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 January 2, 2007.

IT IS SO ORDERED 12/6/06

JEFF DAVIS  
Real Estate Commissioner  


BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

MARIO GEORGE MONDEV.,

Respondent.

Case No. H – 32975 LA

OAH No. L 2006070758

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on October 12, 2006.

Jennifer Granat, Staff Counsel, represented Maria Suarez (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Mario George Mondev (Respondent) was present throughout the hearing and represented himself.

Oral and documentary evidence was received, and the matter was argued. The record was held open to permit Respondent to file evidence of his attendance at an anger management class. Respondent filed the document, which was marked as Respondent's Exhibit B. The document was received in evidence as administrative hearsay without objection. The case was submitted for decision on October 13, 2006.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in her official capacity.
2. Respondent is presently licensed and/or has license rights as a real estate salesperson under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code (Code).

3. On June 24, 2005, in the California Superior Court, County of Los Angeles, Respondent, upon a plea of nolo contendere, was convicted of violating Penal Code section 273a, subdivision (b), willful cruelty to a child, a misdemeanor.<sup>1</sup> The court placed Respondent on summary probation for a period of four years subject to certain terms and conditions including completing a one year parenting counseling program, payment of fines, and complying with certain court orders. Respondent is in compliance with the terms and conditions of the court order.

4. The events giving rise to Respondent's conviction occurred on January 17, 2005. Respondent, his wife, and two children were at a restaurant. One of his children began behaving terribly. Respondent removed the child from the restaurant and disciplined him in the adjacent parking lot. A woman, who was employed as a psychotherapist, heard the child screaming and observed the Respondent's actions. The woman walked up to Respondent and told him to stop striking the child. She tried to take the child away from Respondent. An argument ensued between the woman and Respondent. In the course of this, Respondent hit the woman in her eye. The woman made a citizens arrest of Respondent for battery. (There was no criminal conviction resulting from the battery allegation.)

5. The Department of Children and Family Services was contacted and conducted an investigation of Respondent and his relationship with his children. The Department took no action against Respondent.

6. Prior to any charges being filed against him, Respondent enrolled in an Anger Management Program and had attended fourteen sessions. He also attended twelve parenting classes before being criminally charged.

7. On April 28, 2005, the criminal charges resulting in Respondent's conviction were filed. Respondent indicated that he entered his nolo contendere plea to save his wife and children from having to testify.

8. Respondent has no other criminal convictions beyond the one discussed above.

9. Respondent was born in Bulgaria and came to the United State in 1984. He was married in 1999 and has two children ages eight and six. He and his family are active in the Russian Orthodox Church.

10. Respondent has an ulcer and has been on medications for that condition since 2001. He believes that some his emotional problems stem from his use of those medications. In December 2005, Respondent's doctor took him off all medications, and

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<sup>1</sup> Penal Code section 273a provides: (b) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes, or permit that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor.

that change has helped his emotional stability. Respondent is now using a different drug with no adverse side effects.

11. Respondent has completed one year of parenting classes. Respondent feels that he learned from the class sessions and that they have been very helpful in the areas of problem solving, better stress management techniques, and positive communication skills.

12. Respondent has been a real estate salesman since 1998. Initially, he worked in that business full time for four and one-half years. He then became sporadically active for specific transactions representing buyers. For the last year and one-half, Respondent has not been involved in any real estate transactions. Prior to this proceeding, no administrative actions have been filed against his license.

13. In 1992, Respondent went to computer engineering school and then transitioned into the computer field.

14. In addition to his real estate activities and since December 1, 1997, Respondent has been employed by Warner Brothers Studio as a Senior Middleware Engineer, supporting internet systems. He is a member of the National Computer Vocational Society and various other computer groups.

15. Respondent was a credible and candid witness during this proceeding. He was direct in his answers.

### LEGAL CONCLUSIONS

1. This proceeding is brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent's criminal conviction involved moral turpitude in that the evidence established that it involved a situation where Respondent lost control when disciplining his child.

3. Respondent's criminal conviction is substantially related to the qualifications, functions, or duties of a licensee of the Department, pursuant to California Code of Regulations, title 10, section 2910, subdivision (a) (8), in that it involved the threat of allowing or doing injury to the person of another.

4. Cause exists, under the provisions of Business and Profession Code sections 490 and 10177, subdivision (b), for the suspension or revocation of the license and license rights of Respondent under the Real Estate Law.

5. The Department's Criteria of Rehabilitation, set forth in California Code of Regulations, title 10, section 2912, provides factors to be considered in evaluating the

rehabilitation of a licensee against whom an administrative disciplinary proceeding has been initiated based on a crime committed by the licensee. It has been nearly two years since the occurrence of the incident giving rise to Respondent's subsequent conviction. Immediately, following the incident, and without being ordered by a court to do so, Respondent began attending parenting and anger management courses. Respondent has completed both courses. Although Respondent was convicted of harming his child, an investigation by the Department of Children and Family Services did not result in any change in Respondent's custody of his children. Under these circumstances, it will be deemed that two years have elapsed since the incident and conviction of Respondent. Respondent has a stable family life. It appears to have been strengthened by his participation in the two courses mentioned above. Respondent also has a stable employment history having been employed by his present full time employer since 1997. Aside from the proceedings arising from the incident where he was disciplining his child, Respondent has had no other criminal or administrative proceedings filed against him. Respondent has paid all fines imposed by the criminal court and accomplished all requirements except for completing the time of his probation. Respondent's criminal conviction appears to be an isolated incident. The likelihood of its being repeated is remote. Respondent does not appear to be a threat to the public. However, out of abundance of caution, and because of the nature of the crime, it would appear prudent to place Respondent on a restricted license so that the Department may monitor his activities to insure that no further problems arise.

#### ORDER

All licenses and licensing rights of Respondent Mario George Mondev 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 therefore 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 years have elapsed from the effective date of this Decision.

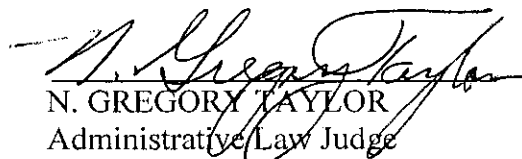
4. Respondent shall submit with any application for license under an employing broker, or any application for transfer to a new employing broker, a statement signed by the prospective employing real estate broker on a form approved by the Department of Real Estate which shall certify:

(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 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: November 3, 2006.

  
N. GREGORY TAYLOR  
Administrative Law Judge  
Office of Administrative Hearings



*Handwritten signature/initials*

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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

**FILED**  
JUN 13 2006  
DEPARTMENT OF REAL ESTATE

By *Jana B. Stone*

7  
8 BEFORE THE DEPARTMENT OF REAL ESTATE  
9 STATE OF CALIFORNIA

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11 In the Matter of the Accusation of ) No. H-32975 LA  
12 MARIO GEORGE MONDEV, ) A C C U S A T I O N  
13 Respondent. )  
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15 The Complainant, Maria Suarez, a Deputy Real Estate  
16 Commissioner of the State of California, for cause of Accusation  
17 against MARIO GEORGE MONDEV ("Respondent") alleges as follows:

18 I

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

22 II

23 Respondent is presently licensed and/or has license  
24 rights under the Real Estate Law, Part 1 of Division 4 of the  
25 California Business and Professions Code ("Code"), as a real  
26 estate salesperson.  
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III

1 On or about June 24, 2005, in the Superior Court of  
2 California, County of Los Angeles, in case no. 5CR07726,  
3 Respondent MARIO GEORGE MONDEV, was convicted of one (1) count  
4 of violating Section 273A(b) of the California Penal Code  
5 (Willful Cruelty to a Child). This crime involves moral  
6 turpitude, and bears a substantial relationship under Section  
7 2910, Title 10, Chapter 6, California Code of Regulations to the  
8 qualifications, functions or duties of a real estate licensee.  
9

10 IV

11 The crime of which Respondent was convicted, as  
12 described in Paragraph III above, constitutes cause under  
13 Sections 490 and 10177(b) of the Code for the suspension or  
14 revocation of the license and license rights of Respondent under  
15 the Real Estate Law.  
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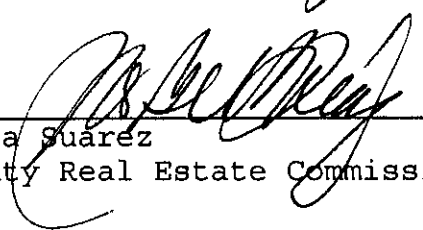
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, MARIO GEORGE MONDEV, under the Real Estate Law (Part  
6 l of Division 4 of the Business and Professions Code) and for  
7 such other and further relief as may be proper under other  
8 applicable provisions of law.

9 Dated at Los Angeles, California

*This copy is from June 2006.*

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14 Maria Suarez  
15 Deputy Real Estate Commissioner  
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26 cc: MARIO GEORGE MONDEV  
27 Maria Suarez  
Sacto.