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DEC 17 2012

DEPARTMENT OF REAL ESTATE

BY: R. Mederholt

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of
ALI MIRROKIAN,
Respondent.

No. H-33465 LA

ORDER DENYING REINSTATEMENT

On March 30, 2007, a Decision was rendered revoking Respondent's real estate salesperson license. Said discipline was based on Respondent's 2005 felony conviction for grand theft of property and a 2001 conviction for spousal battery.

On November 3, 2009, Respondent petitioned for reinstatement of said real estate salesperson license.

I have considered the petition of Respondent and the evidence submitted in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant reinstatement of Respondent's 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).

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

5 Regulation 2911(j)—discharge of, or bona fide efforts toward discharging,
6 adjudicated debts or monetary obligations to others

7 Respondent has not provided such proof for two (2) small claims court judgments
8 filed against Respondent.

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

12 Respondent has not provided evidence of qualifying activities.

13 Regulation 2911(n) (1) and (2) -- Change in attitude from that which existed at the
14 time of the conduct in question as evidenced by any or all of the following:

15 (1) Testimony of applicant.

16 Respondent failed to provide all requested information. Respondent is no longer
17 interested in having his license reinstated. Respondent has not provided the requested letters of
18 recommendation.

19 Given the violations found and the fact that Respondent has not established that
20 Respondent has complied with Regulations 2911(j), (l), and (n)(1) and (2), I am not satisfied that
21 Respondent is sufficiently rehabilitated to receive an unrestricted real estate salesperson license.

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NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
reinstatement of his real estate license is denied.

This Order shall become effective at 12 o'clock noon on JAN - 7 2013.

IT IS SO ORDERED 8/10/2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel