

BEFORE THE DEPARTMENT OF REAL ESTATE DEPARTMENT OF REAL ESTATE

RV Laura B. Dixon

In the Matter of the Accusation of ) No. H-34314 LA  
 )  
 ARIEL REZA GONZALEZ, )  
 )  
 )  
 )  
 Respondent. )  
 )

The Proposed Decision dated May 7, 2008, 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 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.

IT IS SO ORDERED

JEFF DAVIS  
Real Estate Commissioner

BEFORE THE  
DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

In the Matter of the Accusation of:

ARIEL REZA GONZALEZ,

Respondent.

Case No. H-34314 LA

OAH No. L2007110053

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on February 5, 2008.

James R. Peel, Staff Counsel, represented Robin Trujillo (Complainant), a Deputy Real Estate Commissioner in the Department of Real Estate (Department), State of California.

Ariel Reza Gonzalez (Respondent) represented himself.

Due to the unavailability of a court reporter, the parties stipulated that no transcript or recording of the proceedings would be made.

Oral and documentary evidence was received, and the matter argued. At the end of the hearing, the record was left open to permit Respondent to file additional papers. On March 18, 2008, Respondent filed thirteen pages of letters and other documents. No other documents or pleadings were received. Respondent's thirteen pages of materials are marked as Respondent's Exhibit D and received in evidence as administrative hearsay.

The case was submitted for decision on April 10, 2008.

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 broker under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code).

3. Respondent was originally licensed as a real estate broker by the Department seven years ago. Respondent's license will expire on January 10, 2009, unless it is renewed. No prior disciplinary action has been filed against Respondent under this license.

4. From 1984 to 2002, Respondent was licensed by the Department as a real estate salesperson. No disciplinary actions were filed against Respondent under that license.

5. Respondent has been full time in the real estate business for ten years in Burbank and seven years in Los Angeles.

6. For the past five years, Respondent has been employed by a property sales and management company. The company is aware of Respondent's criminal conviction.

7. This case concerns a domestic dispute. Although Respondent originally did not have custody of his children, in subsequent proceedings, Respondent has been given sole physical custody of his children. Both parents have joint legal custody regarding decisions pertaining to the children's health, education and welfare.

8. On November 15, 2006, in the California Superior Court, County of Los Angeles, Respondent, upon his nolo contendere plea, was convicted of violating Penal Code section 245, subdivision (a), assault with a deadly weapon, a felony, and 243, subdivision (b), battery on a peace officer, a misdemeanor. The court placed Respondent on formal probation for three years upon certain terms and conditions including serving 365 days in the county jail, paying a restitution fine of \$200.00, completing fifty-two sessions of domestic violence counseling. Respondent served twenty-three days of his jail sentence and was released. Respondent paid \$2,300 in fines and charges. On March 15, 2007, Respondent completed the domestic violence classes. Respondent remains current concerning all of the probation requirements imposed by the court. His probation will end in November 2009, unless earlier terminated.

9. The facts and circumstances leading to Respondent's conviction are as follows: On the night in question, Respondent, his wife and three children had returned home from dinner at a local restaurant. Respondent and his wife got into an argument. The wife locked herself in their automobile and called the police. She asserted that Respondent had threatened to kill her. During the confrontation, a police officer alleged that Respondent assaulted the officer. Respondent denied the charges but was arrested. Respondent's his wife had filed for divorce a few days earlier.

10. Following his arrest, Respondent was ordered to stay away from his family and to move out of his home. Subsequently, the children elected to stay with Respondent and the order was withdrawn in December 2006.

11. In March 2008, Respondent and his wife were divorced.

12. Respondent and his children have been involved family counseling and therapy since December 2006. The children (ages 13, 16, and 19) are doing exceptionally well socially and academically, in the opinion of their therapist. They prefer to remain with Respondent. In the opinion of the therapist, Respondent's presence with his children is essential.

13. Respondent submitted eleven letters of recommendation. These were from his employer and people who have know Respondent for many years including two members of the clergy. Respondent's employer states that Respondent has a flawless record, highest ethics and enjoys continuous repeat business from satisfied clients. An attorney, who has known Respondent for eighteen years, stated the Respondent's criminal conviction problems are a complete aberration to Respondent's normal conduct. Another person wrote that Respondent is a very calm and balanced individual. A former client of Respondent praised the service that Respondent had provided in assisting in the purchase of their home.

14. Respondent takes full responsibility for the events which occurred. He feels that the domestic violence course which he completed has been very helpful. He has learned how to control himself and understand people better. He has also learned how to avoid such situations as the one in which he was involved. In addition to the court required course, Respondent has been taking parenting classes at his church. He also found these to be very helpful.

### LEGAL CONCLUSIONS

1. These proceedings are brought under the provisions of Business and Professions Code section 10100 et seq. and Government Code sections 11500 through 11528.

2. Respondent's 2006 criminal conviction involves moral turpitude and is, by virtue of the provisions of the California Code of Regulations, title 10, section 2910, subdivision (a) (8), substantially related to the qualifications, functions or duties of a licensee of the Department in that the violations involved doing unlawful acts with the threat of doing substantial injury to the person or property of others.

3. Cause exists, by virtue of Business and Professions Code sections 490 and 10177, subdivision (b), to suspend or revoke Respondent's license and license rights from the Department due to his criminal conviction.

4. 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 for revocation or suspension of the license has been initiated on account of a crime committed by the licensee. The criteria require the passage of at least two years from the time of the most recent criminal conviction. It has been two years since the incident resulting in Respondent's criminal conviction. Respondent remains on probation but is current in all of the conditions imposed by the court. He has completed the domestic violence course, taken additional parenting classes at his church, and is in counseling with his sons. Respondent and his wife have resolved their domestic differences and are now divorced. Respondent has submitted letters of recommendation which highly praise Respondent and his abilities. An attorney who has known Respondent for eighteen years characterizes the events that lead to Respondent's conviction as an aberration. Respondent has been in the real estate business since 1984 and no other administrative actions have been filed against his licenses. Respondent has no other criminal convictions. All of this being said Respondent was convicted of two significant criminal violations. Under these circumstances, monitoring of Respondent's broker activities is appropriate to insure the protection of the public even though the chances of any recurrence of these matters are considered remote.

#### ORDER

All licenses and licensing rights of Respondent Ariel R. Gonzalez under the Real Estate Law are revoked; provided, however, a restricted real estate broker license shall be issued to Respondent pursuant to Section 10156.5 of the Business and Professions 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, 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: May 7, 2008.

  
N. GREGORY TAYLOR  
Administrative Law Judge  
Office of Administrative Hearings

*Jacko*  
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**FILED**

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DEPARTMENT OF REAL ESTATE

BY: *Laura B. Dem*

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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| In the Matter of the Accusation of ) | No. H-34314 LA             |
| ARIEL REZA GONZALEZ, )               | <u>A C C U S A T I O N</u> |
| Respondent. )                        |                            |

The Complainant, Robin Trujillo, a Deputy Real Estate Commissioner of the State of California, for cause of Accusation against ARIEL REZA GONZALEZ, ("Respondent") alleges as follows:

1.

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

2.

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 broker.

3.

On or about November 15, 2006, in the Superior Court of California, County of Los Angeles, in case no. BA304137, Respondent was convicted of violating California Penal Code Section 245(a)(1) (assault with a deadly weapon), a felony, and Penal Code Section 243(b) (battery on a peace officer), a misdemeanor. The underlying facts of these crimes involve moral turpitude, which bear 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.

4.

The crimes of which Respondent was convicted, as described in Paragraph 3 above, constitute 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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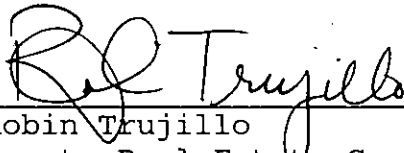
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1 WHEREFORE, Complainant prays that a hearing be  
2 conducted on the allegations of this Accusation and that upon  
3 proof thereof, a decision be rendered imposing disciplinary  
4 action against all the licenses and license rights of  
5 Respondent, ARIEL REZA GONZALEZ, under the Real Estate Law (Part  
6 1 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

10 this 20 day of September, 2007.

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13 Robin Trujillo  
14 Deputy Real Estate Commissioner  
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25 cc: ARIEL REZA GONZALEZ  
26 Robin Trujillo  
27 Sacto.