

FILED

FEB 01 2010

BUREAU OF REAL ESTATE

BY *R. Rosal*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

ARTAVAZD ART AVANESYAN,

No. H-35943 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On April 21, 2010, a Decision was rendered in Case No. H-35943 LA revoking the real estate salesperson license of Respondent effective June 14, 2010.

On May 20, 2015, 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.

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).

///

///

1 I have considered the petition of Respondent and the evidence submitted in
2 support thereof.

3 The Bureau has developed criteria in Section 2911 of Title 10, California Code of
4 Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for
5 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 Bureau action sought. (A
8 longer period will be required if there is a history of acts or conduct substantially related to the
9 qualifications, functions or duties of a licensee of the Bureau.)

10 A longer period is required, because subsequent to Respondent's license
11 revocation, he received another criminal conviction which was substantially related to the
12 qualifications, functions, or duties of a real estate licensee. On August 1, 2012, before the
13 Superior Court of California, County of Los Angeles, in Case No. BA373604, Respondent was
14 convicted for violating Penal Code Section 530.5(a) (identity theft), a felony.

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

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

20 Subsequent to Respondent's license revocation, he received a felony conviction
21 that was reflective of an inability to conform to societal rules. On August 1, 2012, before the
22 Superior Court of California, County of Los Angeles, in Case No. BA373604, Respondent was
23 convicted for violating Penal Code Section 530.5(a) (identity theft), a felony.

24 Respondent has failed to demonstrate to my satisfaction that Respondent has
25 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
26 salesperson license at this time.

27 ///

1 Given the violations found and the fact that Respondent has not established that
2 Respondent has satisfied Regulations 2911(a) and (n)(5), I am not satisfied that Respondent is
3 sufficiently rehabilitated to receive a real estate salesperson license.

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

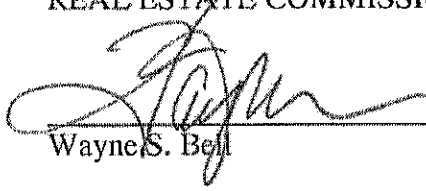
6 This Order shall become effective at 12 o'clock noon on

FEB 22 2016

7 IT IS SO ORDERED

1/20/2016

8 REAL ESTATE COMMISSIONER

9
10 
11 Wayne S. Bell