

FILED
JUN 14 2010
DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)

No. H-35943 LA

ARTAVAZD ART AVANESYAN,)

L-2009070323

Respondent.)

ORDER DENYING RECONSIDERATION

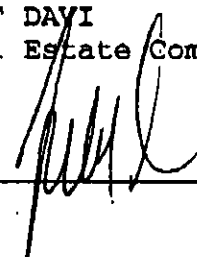
On April 21, 2010, a Decision was rendered in the above-entitled matter, revoking Respondent's real estate salesperson license. The Decision was to become effective on May 13, 2010, and was stayed by Order of April 29, 2010 to June 14, 2010.

On May 24, 2010, Respondent petitioned for reconsideration of the Decision of April 21, 2010.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of April 21, 2010, and reconsideration is hereby denied.

IT IS SO ORDERED 6-10, 2010.

JEFF DAVI
Real Estate Commissioner



APR 29 2010

DEPARTMENT OF REAL ESTATE
BY: C. J. [Signature]

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of	)	
	)	DRE NO. H-35943 LA
ARTAVAZD ART AVANESYAN,	)	
	)	OAH NO. L-2009070323
Respondent.	)	

On April 21, 2010, a Decision was rendered in the above-entitled matter to become effective May 13, 2010.

IT IS HEREBY ORDERED that the effective date of the Decision of April 21, 2010, is stayed for a period of thirty (30) days to allow Respondent ARTAVAZD ART AVANESYAN to file a petition for reconsideration.

The Decision of April 21, 2010, shall become effective at 12 o'clock noon on June 14, 2010.

DATED: April 29, 2010.

JEFF DAVI
Real Estate Commissioner

By:

DOLORES WEEKS
Regional Manager

FILED

APR 23 2010

DEPARTMENT OF REAL ESTATE

BY: C

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of)
ARTAVAZD ART AVANESYAN,)
Respondent.)

No. H-35943 LA

L-2009070323

DECISION

The Proposed Decision dated March 23, 2010, 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.

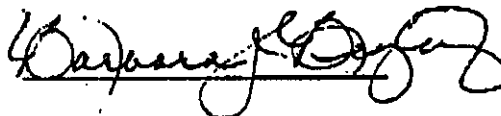
The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of Respondent.

This Decision shall become effective at 12 o'clock noon on
May 13, 2010.

IT IS SO ORDERED

4/21/10

JEFF DAVI
Real Estate Commissioner



BY: Barbara J. Bigby
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of:

ARTAVAZD ART AVANESYAN,

Respondent.

Case No. H-35943 LA

OAH No. 2009070323

PROPOSED DECISION

Administrative Law Judge N. Gregory Taylor, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on February 2, 2010.

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

Artavazd Art Avanesyan (Respondent) represented himself.

Oral and documentary evidence was received, and the matter argued. The record was left open so that Respondent could file a letter regarding the status of his criminal conviction. Complainant was given time to respond to any response of Respondent.

On February 26, 2010, Respondent filed a letter from his attorney stating that the attorney was in the process of filing necessary paperwork with the court to seek expungement of Respondent's criminal conviction. Complainant filed a letter requesting that Respondent's letter be treated as administrative hearsay. Respondent's counsel's letter is marked as Respondent's Exhibit B and admitted in evidence as administrative hearsay. Complainant's counsel's Letter is marked as State's Exhibit 6 for identification.

The case was submitted for decision on March 13, 2010.

FACTUAL FINDINGS

1. Complainant filed the Accusation in this proceeding in her official capacity.

2. At all times herein mentioned, Respondent was and still is licensed and/or has license rights under the Real Estate Law, Part 1 of Division 4 of the California Business and Professions Code, as a real estate salesperson. Respondent was first licensed as a real estate salesperson on September 2, 2004. This license will expire on September 1, 2010, unless renewed.

3. On September 24, 2008, in the California Superior Court, County of Los Angeles, Respondent, upon his nolo contendere plea, was convicted of violating Penal Code section 496, subdivision (a), receiving stolen property, a misdemeanor. The Court suspended imposition of sentence and placed Respondent on summary probation for a period of 36 months upon certain terms and conditions including completing 150 hours of community service, and paying \$120.00 to the court. Respondent has paid the monetary amount and performed the community service. He remains on probation until 2011.

4. The facts and circumstances giving rise to Respondent's criminal conviction are as follows: Respondent lived in a large apartment complex. One day the furnishings in a model apartment in that complex were stolen. While the police were investigating, there was an accident in front of the apartment involving Respondent's automobile. The automobile was being driven by a friend of Respondent. Inside the vehicle, the police discovered items that had been stolen from the model apartment. Respondent was called to the scene. He allowed an inspection of his apartment. Inside Respondent's apartment was the remainder of the furnishings taken from the model apartment. Respondent asserted that he had bought the furniture from someone he met the night before as he was returning to his apartment. According to Respondent, the person was moving out and wanted to sell some of his furnishings. Respondent asserted that he bought the items from the man. The recovered furnishings were returned to the apartment complex owners. The police estimated the value of the goods recovered at \$10,000.

5. Respondent has no other criminal convictions

6. Respondent is single and now lives with his parents. He is 24 years old.

7. Respondent attended chiropractic school for two years but did not complete the course of study. He is an active member of his church.

8. Respondent is currently employed as an independent sales agent for a Glendale real estate office.

9. Respondent started working as a summer intern in a real estate office when he was thirteen. In 2004, he obtained his real estate sales person license and began working in that office. He has been employed by his current employer for five years. His supervising broker in a letter of recommendation praised Respondent's abilities and said Respondent is a successful professional. The office manager of the real estate office where Respondent works also submitted a letter of recommendation praising Respondent as a person who could always be trusted. Both of the persons submitting letters of

recommendation know of Respondent's criminal conviction and continue to employ him. A third letter of reference was submitted by a marketing consultant in the same real estate office. The writer of that letter also praised Respondent's abilities.

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. The crime of which Respondent was convicted set forth in Factual Findings 3 and 4, bears a substantial relationship to the qualifications, functions or duties of a real estate licensee under California Code of Regulations, title 10, chapter 6, section 2910, subdivision (8), in that it involved doing an unlawful act with the intent of conferring a financial or economic benefit upon Respondent.

3. Pursuant to the provisions of Business and Professions Code sections 490 and 10177, subdivision (b), cause exists to suspend or revoke Respondent's real estate salesperson license and all license rights of Respondent under the Real Estate Law by virtue of his criminal conviction.

4. The Department has developed criteria for the purpose of 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. California Code of Regulations, title 10, chapter 6, section 2912. Two years are required to have passed since Respondent's criminal conviction. It has not yet been two years since Respondent's criminal conviction. Although he has paid the monetary amounts and completed the community service ordered, he remains on probation until 2011. The conviction has not been expunged. Respondent lives with his parents and has stability of family life. He has the support of those at the real estate office where he is employed. However, Respondent failed to present evidence regarding new and different social relationships from those which existed at the time of the acts leading to his criminal conviction. Under these circumstances, it is too early to find that Respondent has been rehabilitated to the point of some continued licensure.

ORDER

Respondent Artavazd Avanesyan's real estate salesperson license and all licensing rights of Respondent from the Department are revoked.

Dated: March 23, 2010.


N. GREGORY TAYLOR
Administrative Law Judge
Office of Administrative Hearings

5/16
1 LISSETE GARCIA, Counsel (SBN 211552)
2 Department of Real Estate
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4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 (Direct) (213) 576-6914

FILED
MAY 11, 2009
DEPARTMENT OF REAL ESTATE

By 62

7
8 BEFORE THE DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of) NO. H-35943 LA
12 ARTAVAZD ART AVANESYAN,) A C C U S A T I O N
13 Respondent.)
14 _____)

15
16 The Complainant, Maria Suarez, a Deputy Real Estate
17 Commissioner of the State of California, for cause of Accusation
18 against ARTAVAZD ART AVANESYAN, aka Art Avanesyan ("Respondent")
19 is informed and alleges as follows:

20 I

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

24 II

25 At all times herein mentioned, Respondent was and
26 still is licensed and/or has license rights under the Real
27 Estate Law (Part 1 of Division 4 of the California Business and

1 Professions Code ("Code") as a real estate salesperson.

2 Respondent was first licensed as a real estate salesperson on
3 September 2, 2004.

4 III

5 On or about September 24, 2008, in the Superior Court
6 of California, County of Los Angeles, in Case No. BA335790, as
7 part of a plea agreement, Respondent pled nolo contendere to and
8 was convicted of violating Penal Code Section 496(a) (buying or
9 receiving known stolen property), a misdemeanor. Said crime
10 bears a substantial relationship to the qualifications,
11 functions or duties of a real estate licensee under Section
12 2910, Title 10, Chapter 6, California Code of Regulations.

13 IV

14 The crime of which Respondent was convicted, as
15 alleged in Paragraph III above, constitutes cause under Code
16 Sections 490 and 10177(b) for the suspension or revocation of
17 all licenses and license rights of Respondent under the Real
18 Estate Law.

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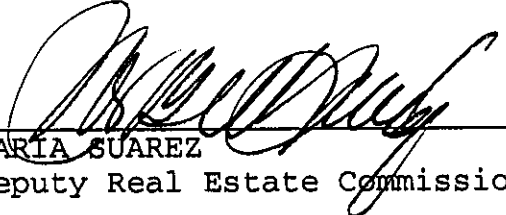
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1 WHEREFORE, Complainant prays that a hearing be
2 conducted on the allegations of this Accusation and that upon
3 proof thereof, a decision be rendered imposing disciplinary
4 action against all licenses and/or license rights of Respondent,
5 ARTAVAZD ART AVANESYAN, under the Real Estate Law (Part 1 of
6 Division 4 of the Business and Professions Code) and for such
7 other and further relief as may be proper under other applicable
8 provisions of law.

9 Dated at Los Angeles, California

10 this 04 day of May, 2009.

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13 
14 MARIA SUAREZ
15 Deputy Real Estate Commissioner
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23

24 cc: Artavazd Art Avanesyan
25 Allied Development Corporation
26 Maria Suarez
27 Sacto.