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**APR 04 2023**

**DEPT. OF REAL ESTATE**  
By R. Powell

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of: ) DRE No. H-37518 LA  
 )  
GREG A. TOMASYAN, )  
 )  
Respondent. )  
\_\_\_\_\_ )

ORDER DENYING REMOVAL OF DISCIPLINE INFORMATION FROM RESPONDENT'S  
PUBLIC INFORMATION PAGE ON THE DEPARTMENT OF REAL ESTATE'S WEBSITE

On May 23, 2012, in Case No. H-37518 LA, a Decision was rendered disciplining the real estate broker license of Respondent effective June 21, 2012.

On October 10, 2022, Respondent petitioned for the removal of discipline information from Respondent's Public Information Page on the Department of Real Estate's Website ("the Website").

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).

I have considered Respondent's petition and the evidence submitted in support thereof.

1                   The Department has developed criteria in Sections 2911 and 2912 of Title 10,  
2 California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of a  
3 petitioner for the removal of discipline information from the website. Among the criteria relevant  
4 in this proceeding are:

5  
6                   *2912(a) The time that has elapsed since commission of the acts(s) or offense(s):*  
7                   *(1) The passage of less than two years after the most recent criminal conviction*  
8                   *or act of the applicant that is a cause of action in the Bureau's Statement of Issues*  
9                   *against the applicant is inadequate to demonstrate rehabilitation.*  
10                  *(2) Notwithstanding subdivision (a)(1), above, the two year period may be*  
11                  *increased based upon consideration of the following:*  
12                  *(A) The nature and severity of the crime(s) and/or act(s) committed by the*  
13                  *Applicant.*

14  
15                  The Decision in Case No. H-37518 LA found that, while practicing real estate,  
16                  Respondent failed to return over \$300,000 in deposits owed to clients. The severity  
17                  of these acts necessitate more time to demonstrate rehabilitation.

18                  *2912(h) Correction of business practices resulting in injury to others or with the*  
19                  *potential to cause such injury.*

20                  Respondent has not worked in real estate since the revocation of his license, making it  
21                  impossible to determine if he has corrected the business practices that led to his license  
22                  revocation.

23                  *2912(k) Completion of, or sustained enrollment in, formal education or vocational*  
24                  *training courses for economic self-improvement.*

25                  Respondent has offered no evidence of completing any such courses.

26                  Respondent has failed to demonstrate to my satisfaction that Respondent is not a  
27                  credible risk to the public and that Respondent has undergone sufficient rehabilitation to warrant  
28                  the removal of discipline information from the Website.

29                  Given the violations found and the fact that Respondent has not established that  
30                  Respondent has satisfied Regulation 2912(a), 2912(h) and 2912(k), I am not satisfied that  
31                  Respondent is sufficiently rehabilitated for the removal of discipline information from the website.

32                  The earliest date on which the Respondent may submit a new petition for the

1 removal of discipline the website is one year from the effective date of this Decision. If, and when  
2 petition is again made for this licensee, all competent evidence of rehabilitation presented by the  
3 Respondent will be considered by the Real Estate Commissioner.

4 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for the removal  
5 of discipline information from the Website is denied.

6 This Order shall become effective immediately.

7 DATED: 3/28/23

8 DOUGLAS R. McCAULEY  
9 REAL ESTATE COMMISSIONER

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12 By: Marcus L. McCarther  
13 Chief Deputy Real Estate Commissioner  
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