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DEPT. OF REAL ESTATE

By R. P. O'Sullivan

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

GREG A. TOMASYAN,

No. H-37518 LA

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE  
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

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

On October 19, 2022, Respondent petitioned for reinstatement of a 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).

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

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

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5           ***2911. Criteria for Rehabilitation (Denial)***

- 6           *(a) (1) The time that has elapsed since commission of the act(s) or offense(s):*  
7           *(A) 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           *(B) Notwithstanding subdivision (a)(1)(A), above, the two year period may be*  
11           *increased based upon consideration of the following:*  
12           *(i) The nature and severity of the crime(s) and/or act(s) committed by the*  
13           *Applicant.*

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

17           *(a) (9) Completion of, or sustained enrollment in, formal education or vocational*  
18           *training courses for economic self-improvement.*

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

20           *(a) (11) Correction of business practices resulting in injury to others or with the*  
21           *potential to cause such injury.*

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

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

          I am satisfied, however, that it will not be against the public interest to issue a  
restricted real estate salesperson license to Respondent.

          A restricted real estate salesperson license shall be issued to Respondent pursuant  
to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following

1 conditions prior to and as a condition of obtaining a restricted real estate salesperson license  
2 within twelve (12) months from the effective date of this Order:

3           1.       Respondent shall qualify for, take and pass the real estate salesperson  
4 license examination.

5           2.       Submittal of a completed application and payment of the fee for a real  
6 estate salesperson license.

7           The restricted license issued to Respondent shall be subject to all of the provisions  
8 of Section 10156.7 of the Business and Professions Code and to the following limitations,  
9 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

10           A.       The restricted license issued to Respondent may be suspended prior to  
11 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or  
12 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or  
13 capacity as a real estate licensee.

14           B.       The restricted license issued to Respondent may be suspended prior to  
15 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the  
16 Commissioner that Respondent has violated provisions of the California Real Estate Law, the  
17 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to  
18 the restricted license.

19           C.       Respondent shall not be eligible to apply for the issuance of an  
20 unrestricted real estate license nor the removal of any of the limitations, conditions or  
21 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance  
22 of the restricted license to Respondent.

23           D.       Respondent shall submit with any application for license under an  
24 employing broker, or any application for transfer to a new employing broker, a statement signed  
25 by the prospective employing real estate broker on a form approved by the Department of Real  
26 Estate which shall certify:

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1. That the employing broker has read the Decision of the Commissioner which granted the right to a restricted license; and

2. That the employing broker will exercise close supervision over the performance by the restricted licensee relating to activities for which a real estate license is required.

E. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Department of Real Estate, Post Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

This Order shall become effective at 12 o'clock noon on APR 24 2023

IT IS SO ORDERED 3/28/23

DOUGLAS R. McCAULEY  
REAL ESTATE COMMISSIONER



By: Marcus L. McCarther  
Chief Deputy Real Estate Commissioner