

FILED

JUN 15 2016

BUREAU OF REAL ESTATE

By Leticia Assad

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BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

In the Matter of the Accusation of

ABDUL K. SYED,

No. H-38575 LA

Respondent.

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

On November 9, 2012, in Case No. H-38575 LA, an Order was executed which accepted the petition for the voluntary surrender of the real estate salesperson license of Respondent. The Order became effective on December 18, 2012.

On January 29, 2016, 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 the 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

1 thereof.

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

5 Regulation 2911(i) Completion of, or sustained enrollment in, formal educational
6 or vocational training courses for economic self-improvement.

7 Although Respondent has completed courses in "Health & Wellness" and to
8 become a "Certified Professional Life Coach", Respondent has not pursued paid employment
9 related to either of these courses. Respondent's Petition for Reinstatement lists his highest
10 educational level as "high school graduate."

11 Regulation 2911(k) Correction of business practices resulting in injury to others
12 or with the potential to cause such injury.

13 Respondent has not engaged in business since surrendering his real estate license.
14 Therefore, he cannot demonstrate that he has corrected his business practices.

15 Respondent has failed to demonstrate to my satisfaction that Respondent has
16 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real
17 estate salesperson license.

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

20 A restricted real estate salesperson license shall be issued to Respondent pursuant
21 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
22 conditions prior to and as a condition of obtaining a restricted real estate salesperson license
23 within twelve (12) months from the effective date of this Order:

24 1. Submits a completed application and pays the fee for a real estate
25 salesperson license within the 12 month period following the effective date of this Order; and

26 2. Submits proof that Respondent has completed the continuing education
27 requirements for renewal of the license sought. The continuing education courses must be

1 completed either (i) within the 12 month period preceding the filing of the completed
2 application, or (ii) within the 12 month period following the effective date of this Order.

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

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

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

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

19 D. Respondent shall submit with any application for license under an
20 employing broker, or any application for transfer to a new employing broker, a statement signed
21 by the prospective employing real estate broker on a form approved by the Bureau of Real Estate
22 which shall certify:

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

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

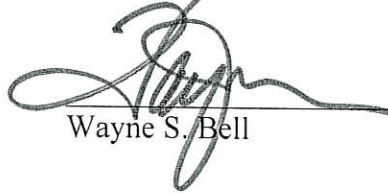
1 E. Respondent shall notify the Commissioner in writing within 72 hours of
2 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
3 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
4 Respondent's arrest, the crime for which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

8 This Order shall become effective at 12 o'clock noon on JUL 05 2016.

9 IT IS SO ORDERED

6/10/2016

REAL ESTATE COMMISSIONER


Wayne S. Bell