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FILED

AUG 16 2016

BUREAU OF REAL ESTATE

By A. Asadi

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

SERGEY OGANESYAN,

No. H-38911 LA

Respondent.

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

On March 31, 2014, in Case No. H-38911 LA, a Decision was rendered revoking the real estate salesperson license of Respondent effective April 23, 2014.

On February 23, 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 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 Bureau has developed criteria in Section 2911 of Title 10, California Code of
2 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:

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

6 The Petitioner offered no evidence of completing any such courses subsequent to
7 the revocation of his license.

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

10 The Petitioner offered no evidence of correcting the business practices which led
11 to his license revocation.

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

14 (1) Testimony of applicant.

15 The Enforcement Petition Application contained no statement or evidence
16 from the Petitioner indicating that his attitude has changed since he received
17 the criminal conviction leading to the revocation of his license.

18 (2) Evidence from family members, friends or other persons familiar with
19 applicant's previous conduct and with his subsequent attitudes and behavioral
20 patterns.

21 Although the Petitioner attached two letters of recommendation, neither of
22 those letters demonstrated any knowledge of the Petitioner's previous
23 conduct. In fact, one of the letters predated Petitioner's license revocation.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEP 05 2016

17 This Order shall become effective at 12 o'clock noon on _____.

18 IT IS SO ORDERED _____

19 8/14/2016
20 REAL ESTATE COMMISSIONER

21 
22 Wayne S. Bell