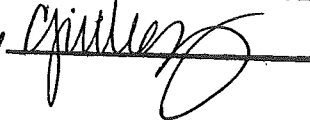


FILED

OCT 14 2014

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)
HILDA STEPHANIE VOSKANIAN,) BRE no. H-39275 LA
Respondent.) OAH no. 2014010725
) STIPULATION AND WAIVER;
) DECISION AFTER REJECTION

The California Bureau of Real Estate ("Bureau") filed a Statement of Issues against HILDA STEPHANIE VOSKANIAN ("Respondent") on January 21, 2014. On July 9, 2014, a hearing was held and evidence was received; the case was deemed submitted on July 9, 2014.

On July 30, 2014, the Proposed Decision of the Administrative Law Judge ("ALJ") Richard J. Lopez was issued, and determined, among other things, that Respondent's application for an unrestricted real estate salesperson license should be denied; provided, however, Respondent shall be issued a restricted salesperson license by the Real Estate Commissioner.

On August 21, 2014, the Commissioner rejected the Proposed Decision of July 30, 2014.

The parties wish to settle this matter without further proceedings.

IT IS HEREBY STIPULATED by and between Respondent, HILDA STEPHANIE VOSKANIAN, represented by Mary E. Work, and the Bureau, acting by and through Diane Lee, Counsel for the Bureau, as follows for the purpose of settling and disposing of the Statement of Issues filed by the Bureau.

1. It is understood by the parties that the Real Estate Commissioner may adopt the Stipulation and Waiver and Decision After Rejection as his decision in this matter, thereby imposing the restrictions on Respondent's application for a real estate salesperson license as set forth in the below "Decision and Order." In the event the Commissioner in his discretion does not adopt the Stipulation, the Stipulation shall be void and of no effect; the Commissioner will review the transcript and the evidence in the case, and will issue his Decision after Rejection as his Decision in this matter.

2. By reason of the foregoing and solely for the purpose of settlement of the Statement of Issues without further administrative proceedings, it is stipulated and agreed that the following shall be adopted as the Commissioner's Decision:

FACTUAL FINDINGS

Parties

1. Complainant Maria Suarez, a Deputy Real Estate Commissioner of the State of California, brought the Statement of Issues in her official capacity.

2. On September 24, 2012, Respondent made application to the Bureau for a real estate salesperson license.

Procedure

3. The Bureau denied the application. Respondent timely requested a hearing. These proceedings are brought under the provisions of section 10100, Division 4 of the Business and Professions Code of the State of California and Government Code sections 11500 through 11528. All jurisdictional pre-hearing requirements have been met by the parties.

Criminal Conviction

4. On June 30, 2006, Respondent and her husband parked their vehicle in a parking lot adjacent to a mobile-phone store in Burbank and entered the store. When they returned to their vehicle a parking attendant (victim) requested a payment of \$5.00. Respondent and her husband engaged in a verbal dispute with the victim and the victim attempted to prevent the couple from leaving in their vehicle by placing a traffic cone in front of the vehicle. Respondent came out of the vehicle and pushed the victim - a vulnerable person aged 75 - to the ground. After a cursory inquiry with the victim about his well-being Respondent and her husband drove away. As a result of Respondent's physical contact the victim died some weeks later. In pertinent sum Respondent pushed the victim, the victim fell to the ground triggering his eventual death. As a result of that conduct, after a jury trial commencing on November 16, 2007 with jury

1 verdict on November 30, 2007, Respondent suffered the conviction
2 set forth in Finding 5.

3 5. On January 16, 2008, in the Superior Court of
4 California, County of Los Angeles, in Case No. GA066401,
5 Respondent was convicted of violating California Penal Code
6 section 192, subdivision (b) (involuntary manslaughter), a
7 felony.

8
9 *Aggravation/Mitigation*

10 6. On January 16, 2008, the matter was called for
11 probation and sentence hearing and the Court then found, on the
12 evidence at trial, as follows:

13 The Court finds the following aggravating
14 circumstances exists in regards to sentencing:
The Defendant (Respondent) left the scene of the
crime.

15 The Defendant did not make appropriate inquiries
16 in regard to the events of the date in question
nor did the Defendant report to authorities;
17 The Defendant did not approach matters in a
forthright manner prior to the filing of charges
and prior to trial;

18 And the Defendant did not show remorse.

19 The Court finds the following mitigating
circumstances exists in regards to sentencing:

20 The Defendant did testify in her defense;
The Defendant is currently pregnant and has a
small child under her care;

21
22 *Rehabilitation, Character and Fitness*

23 7. As a result of the conviction Respondent was
24 placed on five years formal probation, ordered to serve four
25 months house arrest, ordered to complete 52 weeks of anger
26 management, ordered to perform 2,000 hours of community service,
27 and fined in various amounts.

1 8. Respondent timely and fully complied with all
2 Court ordered sanctions. Accordingly, on June 25, 2011, the
3 Court ordered as follows:

4 Probation is ordered terminated pursuant to
5 section 1203.3 Penal Code. Plea of guilty or
6 conviction is set aside. A plea of not guilty is
7 entered. Case is dismissed pursuant to section
8 1203.4 Penal Code.

9 9. Respondent is well-educated having a BA degree in
10 Psychology from UCLA (1999) and an MBA from Pepperdine (2004).
11 She seeks employment as a Real estate Licensee in order to
12 contribute to the family while she fulfills parenting duties.

13 10. Respondent is in a stable marriage of eleven
14 years. She and her husband Oshin Grigorian are parents of two
15 children Erik, a second-grader aged 8, and Liana, in
16 kindergarten, aged 6. Respondent has stability of family life
17 and fulfills all familial and parental duties. Both of
18 Respondent's parents and Mr. Grigorian accompanied Respondent to
19 the hearing for familial support.

20 11. Since the time of her conviction Respondent has
21 been active as a valued volunteer in schools attended by her
22 children as demonstrated to by credible attestations, one of
23 which follows:

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1 Hilda Voskanian, the mother of one of my students,
2 has over the 2013/2014 school year, volunteered in
3 my first-grade classroom on a once-a-week basic.
4 During her visits to my classroom her duties have
5 included testing students on math facts, listening
6 to students read stories in preparation for their
7 online comprehension assessments, and preparation
8 of materials for lessons and homework assignments.
9 I have found her to be prompt and professional in
10 her volunteer duties, which has helped me and all
11 students in my classroom.

12 Respondent also has been a volunteer coordinator in a
13 U6 Girls soccer program for the American Youth Soccer
14 Organization (AYSO)'s Regional 88 program in the Glendale/La
15 Crescenta area for a girls team under 6 years old. By virtue of
16 her volunteer work Respondent has significant and conscientious
17 involvement in community, church, or privately-sponsored programs
18 designed to provide social benefits or to ameliorate social
19 problems.

20 12. Two persons, Keith Fraser and Atina Martiros, both
21 attorneys with knowledge of Respondent's present character
22 proffered credible character testimony on Respondent's behalf.
23 Both, aware of the conviction, credibly opined that Respondent is
24 honest, ethical, and trustworthy.

25 13. A number of family members and friends familiar
26 with Respondent's conviction and with her subsequent productive
27 present proffered character letters on Respondent's behalf. The
following from Talim Halabi, dated May 28, 2014, is a credible
exemplar of the letters.

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1 I am a government attorney and have been
2 practicing law since 2002.

3 I have known Hilda Voskanian for over 30 years.
4 We were close friends in elementary school and
5 have continued to keep in touch since then. Now,
6 we often meet periodically with other friends who
7 attended elementary school with us. Hilda and I
8 also have "play dates" for our kids as we each
9 have 2 children who are close in age and enjoy
10 playing with each other.

11 I have always admired Hilda because she is
12 extremely bright, intelligent and hard-working.
13 She is also a caring and nurturing mother to her
14 two children.

15 Having known Hilda for over thirty years, I find
16 it extremely hard to believe that the incident,
17 which occurred in 2006 and resulted in her
18 conviction, ever took place. She is not now, or
19 at any time during the 30 years that I've known
20 her, been a type of person who would intentionally
21 hurt another person. Apparently, the Court which
22 convicted her also understood the circumstances of
23 that occurrence as one of involuntary, without any
24 malice and entirely accidental.

25 Nevertheless, I know that the 2006 incident has
26 had a profound impact on Hilda. I know she is
27 very remorseful for what occurred and accepts that
she can not change the past. She is determined,
however, to improve herself and be a positive
influence on her family and friends.

Since the incident, she has become a much more
careful person, in terms of her dealings and
communication with people. She is also a much
more gentle and calmer person.

Hilda has excellent communication skills, is
motivated, responsive and a hard-working person.
She greatly enjoys working with and meeting new
people. She is very passionate about real estate,
and the prospect of being able to help others find
homes.

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1 Based upon my review of the Statement of Issues, I
2 understand that Hilda's request for issuance of a
3 real estate license has been challenged. For the
4 reasons set forth above, I respectfully request
5 that the Commissioner issue Hilda her license and
6 allow her to continue to improve her life and
7 become a better and more productive individual.

8 14. Respondent did complete the necessary pre-
9 examination RE Courses and did take and pass the RE licensing
10 examination. She also has completed at least 29 training/seminar
11 courses offered by a number of entities including her prospective
12 employer Prudential California Realty - Glendale (Prudential).
13 Accordingly, Respondent has completion of, or sustained
14 enrollment in, formal education or vocational training courses
15 for economic self-improvement.

16 15. Respondent's sponsoring Real Estate Broker, Vazrik
17 Bonyadi of Prudential who is aware of Respondent's conviction
18 proffered the following credible testimony:

19 I am the Broker/Owner of Prudential California
20 Realty, with over 20 years of history in the real
21 estate industry serving in the capacity of Sales,
22 Brokerage and Director/Volunteer with Local and
23 State Realtor organizations, such as C.A.R.,
24 Glendale Association of Realtors, and more. I
25 first met Hilda over three years ago, and I was
26 very impressed by her desire to work in the real
27 estate field, and more importantly with her
determination to provide a good life for her
family. Around the time of our introduction,
Hilda began attending Real Estate Licensing
classes held in our office.

23 ///

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26 ///

1 Hilda has discussed her application to become
2 licensed as a real estate salesperson with me. I
3 am aware of the conviction that she has on her
4 record. I also understand that the Bureau of Real
5 Estate requires proof of rehabilitation when
6 someone applies for a real estate license and has
7 any criminal conviction in their background.
8 Hilda has completed her probation, she is a
9 regular volunteer where her children attend school
10 and she volunteers with their sports teams.

11 I am satisfied that the situation leading to her
12 conviction was an isolated event. I hope that you
13 will agree to grant Hilda a license, even if it is
14 initially a probation license, so that she may
15 become employed and help to support her family. I
16 am happy to become Hilda's broker of record once
17 she is granted the right to work as a real estate
18 salesperson.

19 Mr. Bonyadi further testified that he would provide supervision
20 over Respondent should she be granted a restricted license and
21 that he has management teams in place to provide competent
22 mentoring to Respondent during the period of probation.

23 16. During the course of her counseling at Glendale
24 Counseling Center to fulfill the 52-week Court mandate,
25 Respondent has, upon reflection, accepted responsibility for her
26 wrongful conduct leading to the death of another and has
27 voluntarily continued counseling. At the time of the hearing, by
28 testimony and demeanor, she did demonstrate remorse and
29 contrition for her conduct. She has a change in attitude as
30 demonstrated by her own testimony, the testimony of her husband,
31 and the testimony of Mr. Fraser and Ms. Martiros. Respondent is
32 presently a socially and professionally responsible person of
33 good character.

34 ///

1 *Supplemental Finding*

2 17. Approximately three and one-half years ago on
3 December 2, 2009, the California Department of Insurance issued
4 an Order of Summary Denial denying Respondent's application for a
5 license to act as a life-only agent and as an accident and health
6 agent. The denial, without hearing, was based upon Respondent's
7 felony conviction set forth in Finding 5.

8
9 LEGAL CONCLUSIONS

10 1. Penal Code section 192 provides:

11 192. Manslaughter is the unlawful killing of a
12 human being without malice. It is of three kinds:

13 (a) Voluntary - - upon a sudden quarrel or heat
14 of passion.

15 (b) Involuntary - - in the commission of an
16 unlawful act, not amounting to felony; or in
17 the commission of a lawful act which might
18 produce death, in an unlawful manner, or
19 without due caution and circumspection. This
20 subdivision shall not apply to acts committed
21 in the driving of a vehicle.

22
23 2. A necessary element of a conviction under Penal
24 Code section 192, subdivision (b) includes the threat of doing
25 substantial injury to the person or property of another.

26 Accordingly, the crime bears a substantial relationship to the
27 qualifications, functions, or duties of a real estate licensee.¹

28 *Application of Law to Facts*

29 3. Cause exists for denial of Respondent's

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¹ California Code of Regulations, Title 10, section 2910, subdivision (a)(8).

1 application for a real estate license pursuant to Business and
2 Professions Code section 475, subdivision (a)(2), 480,
3 subdivision (a) and 10177, subdivision (b) by reason of Finding 5
4 in combination with Legal Conclusion 2.

5
6 *Disposition*

7 4. The objective of license application proceedings
8 is to protect the public, the licensed profession, maintain
9 integrity, high standards, and preserve public confidence in
10 licensees of the Bureau.² The purpose of proceedings of this
11 type is not to punish Respondent. In particular, the statutes
12 relating to Board licensees are designed to protect the public
13 from any potential risk of harm. The law looks with favor upon
14 those who have been properly rehabilitated.

15 5. Respondent's conduct leading to the felony is
16 severe. However, Respondent's conduct occurred 8 years ago and
17 Respondent is now a socially and professionally responsible
18 person. She has fully met or has substantially met all criteria
19 of rehabilitation as set forth in the Bureau's criteria of
20 Rehabilitation³ by reason of Findings 7 through 16. Accordingly,
21 a restricted license under the supervision of her sponsoring
22 broker is consistent with the public interest.

23
24
25 ² *Camacho v. Youde* (1975) 95 Cal. App. 3d 165; *Clerici v. Department of Motor*
26 *Vehicles* (1990) 224 Cal. App. 3d 1016, 1030-1031; *Fahmy v. Medical Board of*
California (1995) 38 Cal. App. 4th 810, 816.

27 ³ California Code of Regulations, Title 10, section 2911.

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1 3. Respondent shall submit with any application for
2 license, or with the application for transfer to a new employing
3 broker, Respondent shall submit a statement signed by the
4 prospective employing real estate broker on a form approved by
5 the Bureau (which is currently form RE 552 (Rev. 7/13)) which
6 shall certify as follows:

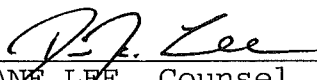
7 (a) That the employing broker has read the Decision of
8 the Commissioner which granted the right to a restricted license;
9 and

10 (b) That the employing broker will carefully review
11 all transaction documents prepared by the restricted licensee and
12 otherwise exercise close supervision over the licensee's
13 performance of acts for which a license is required.

14 4. Respondent shall notify the Commissioner in writing
15 within 72 hours of any arrest by sending a certified letter to
16 the Commissioner at the Bureau of Real Estate, Post Office Box
17 137013, Sacramento, CA 95813-7013. The letter shall set forth
18 the date of Respondent's arrest, the crime for which Respondent
19 was arrested, and the name and address of the arresting law
20 enforcement agency. Respondent's failure to timely file written
21 notice shall constitute an independent violation of the terms of
22 the restricted license and shall be grounds for the suspension or
23 revocation of that license.

24
25 DATED

09/19/2014


DIANE LEE, Counsel
BUREAU OF REAL ESTATE

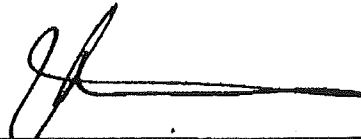
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I have read the Stipulation and Waiver and Decision after Rejection, and its terms are understood by me and are agreeable and acceptable to me. I willingly and voluntarily agree to enter into this Stipulation and Waiver and Decision after Rejection.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver and Decision after Rejection by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of his actual signature as it appears on the Stipulation and Waiver and Decision After Rejection, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver and Decision After Rejection.

9/16/14

DATED

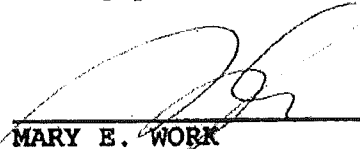


HILDA STEPHANIE VOSKANIAN
Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

9/16/14

DATED



MARY E. WORK
Attorney for Respondent

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I have read the Stipulation and Waiver and Decision after Rejection, and its terms are understood by me and are agreeable and acceptable to me. I willingly and voluntarily agree to enter into this Stipulation and Waiver and Decision after Rejection.

Respondent can signify acceptance and approval of the terms and conditions of this Stipulation and Waiver and Decision after Rejection by faxing a copy of the signature page, as actually signed by Respondent, to the Bureau at fax number (213) 576-6917. Respondent agrees, acknowledges and understands that by electronically sending to the Bureau a fax copy of his actual signature as it appears on the Stipulation and Waiver and Decision After Rejection, that receipt of the faxed copy by the Bureau shall be as binding on Respondent as if the Bureau had received the original signed Stipulation and Waiver and Decision After Rejection.

DATED

HILDA STEPHANIE VOSKANIAN
Respondent

I have reviewed the Stipulation and Waiver as to form and content and have advised my client accordingly.

DATED

MARY E. WORK
Attorney for Respondent

* * *

1 The foregoing Stipulation and Waiver and Decision
2 After Rejection is hereby adopted as my Decision in this matter
3 and shall become effective at 12 o'clock noon on

4 NOV - 3 2014

5 OCT 07 2014

6 IT IS SO ORDERED

7 REAL ESTATE COMMISSIONER

8 

9 By: JEFFREY MASON
10 Chief Deputy Commissioner