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FILED
MAY - 4 2005
DEPARTMENT OF REAL ESTATE

Laura B. Ott

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA
* * *

In the Matter of the Application of)
SCOTT RONALD BELOIAN,)
Respondent.)
No. H-29090 LA

ORDER GRANTING UNRESTRICTED LICENSE

On January 23, 2002, a Decision was rendered herein, denying Respondent's application for a real estate salesperson license, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 21, 2002. Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time.

On May 19, 2004, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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

1 demonstrated to my satisfaction that Respondent meets the
2 requirements of law for the issuance to Respondent of an
3 unrestricted real estate salesperson license and that it would
4 not be against the public interest to issue said license to
5 Respondent.

6 NOW, THEREFORE, IT IS ORDERED that Respondent's
7 petition for removal of restrictions is granted and that a real
8 estate salesperson license be issued to Respondent subject to the
9 following understanding and conditions:

10 1. The license issued pursuant to this order shall be
11 deemed to be the first renewal of respondent's real estate
12 salesperson license for the purpose of applying the provisions of
13 Section 10153.4.

14 2. Within nine (9) months from the date of this order
15 respondent shall:

16 (a) Submit a completed application and pay the
17 appropriate fee for a real estate salesperson license, and

18 (b) Submit evidence of having taken and successfully
19 completed the courses specified in subdivisions (a) (1), (2), (3)
20 and (4) of Section 10170.5 of the Real Estate Law for renewal of
21 a real estate license.

22 3. Upon renewal of the license issued pursuant to this
23 order, respondent shall submit evidence of having taken and
24 successfully completed the continuing education requirements of
25 Article 2.5 of Chapter 3 of the Real Estate Law for renewal of a
26 real estate license.

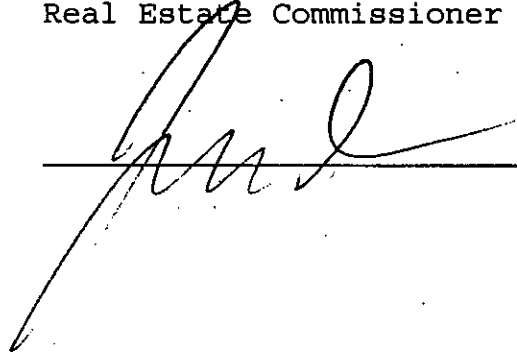
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This Order shall become effective immediately.

DATED: 4-15-05, 2005.

JEFF DAVI
Real Estate Commissioner

A handwritten signature in black ink, appearing to read "Jeff Davi", is written over a horizontal line. The signature is cursive and extends above and below the line.

1 Department of Real Estate
320 West Fourth Street, Ste. 350
2 Los Angeles, California 90013-1105
3 Telephone: (213) 576-6982
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FILED
FEB - 4 2002
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of)	No. H-29090 LA
12 SCOTT RONALD BELOIAN,)	L-2001060686
13 Respondent.)	<u>STIPULATION</u>
	<u>AND WAIVER</u>

14
15 I, SCOTT RONALD BELOIAN, respondent herein,
16 represented by Neil D. Okazaki Esq. of Roth and Roth,
17 acknowledge that I have received and read the Statement of
18 Issues filed by the Department of Real Estate on June 12, 2001,
19 and the Statement to Respondent sent to me in connection with
20 the Statement of Issues

21 I hereby admit that the allegations contained in
22 Paragraphs one (1), two (2) and three (3) of the Statement of
23 Issues filed against me are true and correct and constitute a
24 basis for the discipline of my real estate salesperson license.

25 I further acknowledge that the Real Estate
26 Commissioner held a hearing on this Statement of Issues on
27

1 August 31, 2001, before the Office of Administrative Hearings
2 for the purpose of proving the allegations therein. I was
3 present at the hearing and participated therein. Further, I
4 have had an opportunity to read and review the Proposed
5 Decision of the Administrative Law Judge.

6 I understand that pursuant to Government Code Section
7 11517(c), the Real Estate Commissioner has rejected the
8 Proposed Decision of the Administrative Law Judge. I further
9 understand that pursuant to the same Section 11517(c), the Real
10 Estate Commissioner may decide this case upon the record,
11 including the transcript, without taking any additional
12 evidence, after affording me the opportunity to present written
13 argument to the Real Estate Commissioner.

14 I further understand that by signing this Stipulation
15 and Waiver, I am waiving my right to obtain a dismissal of the
16 Statement of Issues through proceedings under Government Code
17 Section 11517(c) if this Stipulation and Waiver is accepted by
18 the Real Estate Commissioner. However, I also understand that
19 I am not waiving my rights to further proceedings to obtain a
20 dismissal of the Statement of Issues if this Stipulation and
21 Waiver is not accepted by the Real Estate Commissioner.

22 I hereby request that the Real Estate Commissioner in
23 her discretion deny the issuance of a real estate salesperson
24 license and issue to me a restricted real estate salesperson
25 license under the authority of Section 10156.5 of the Business
26 and Professions Code.

27 I further understand that the restricted license

1 shall be subject to the provisions of Section 10156.7 of the
2 Business and Professions Code and the following conditions,
3 limitations and restrictions will attach to the restricted
4 license issued by the Department of Real Estate pursuant
5 hereto:

6 1. The restricted license may be suspended, prior to
7 hearing, by Order of the Real Estate Commissioner in the event
8 of respondent's conviction or plea of nolo contendere to a
9 crime which bears a significant relationship to respondent's
10 fitness or capacity as a real estate licensee.

11 2. The restricted license may be suspended, prior to
12 and pending final determination after formal hearing, by order
13 of the Real Estate Commissioner based upon evidence
14 satisfactory to the Commissioner that respondent has violated
15 provisions of the California Real Estate Law, the Subdivided
16 Lands Law, Regulations of the Real Estate Commissioner or
17 conditions attaching to the restricted license.

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

23 4. Respondent's restricted real estate salesperson
24 license is issued subject to the requirements of Section 10153.4
25 of the Business and Professions Code, to wit: Respondent is
26 required, within eighteen (18) months of the issuance of the
27 restricted license, to submit evidence satisfactory to the

1 Commissioner of successful completion, at an accredited
2 institution, of two of the courses listed in Section 10153.2,
3 other than real estate principles, advanced legal aspects of real
4 estate, advanced real estate finance, or advanced real estate
5 appraisal. If Respondent fails to timely present to the
6 Department satisfactory evidence of successful completion of the
7 two required courses, the restricted license shall be
8 automatically suspended effective eighteen (18) months after the
9 date of its issuance. Said suspension shall not be lifted
10 unless, prior to the expiration of the restricted license,
11 Respondent has submitted the required evidence of course
12 completion and the Commissioner has given written notice to
13 Respondent of the lifting of the suspension.

14 5. Pursuant to Section 10154, if Respondent has not
15 satisfied the requirements for an unqualified license under
16 Section 10153.4, Respondent shall not be entitled to renew the
17 restricted license, and shall not be entitled to the issuance of
18 another license which is subject to Section 10153.4 until four
19 years after the date of the issuance of the preceding restricted
20 license.

21 6. With the application for license, or with the
22 application for transfer to a new employing broker, respondent
23 shall submit a statement signed by the prospective employing
24 broker on a form approved by the Department of Real Estate
25 wherein the employing broker shall certify as follows:

26 (a) That the broker has read the Order herein
27 and the Decision which is the basis for the

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

DATED 1/7, 2002.

Scott R. Bel.
SCOTT RONALD BELOIAN, Respondent.

DATED Jan. 7, 2002.

Neil D. Okazaki
Neil D. Okazaki Esq. for
Roth and Roth, Counsel for
Scott Ronald Beloian, Respondent,
Approved as to form.

DATED Jan 11, 2002

Sean Crahan
Sean Crahan, Counsel,
Department of Real Estate.

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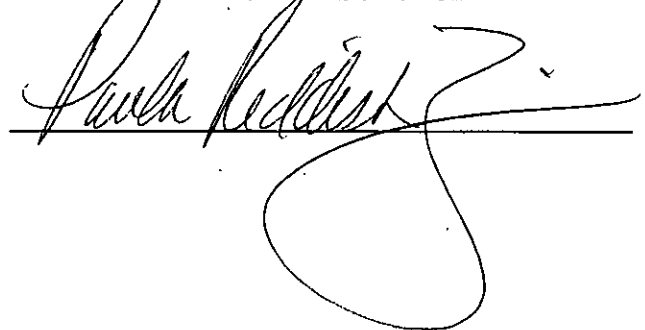
2 I have read the Statement of Issues filed herein, the
3 Proposed Decision of the Administrative Law Judge dated October
4 10, 2001, and the foregoing Stipulation and Waiver signed by
5 respondent. I am satisfied that it will not be inimical to the
6 public interest to issue a restricted real estate salesperson
7 license to respondent.

8 Therefore, IT IS HEREBY ORDERED that the real estate
9 salesperson license of respondent be denied and a restricted
10 real estate salesperson license be issued to respondent SCOTT
11 RONALD BELOIAN if respondent has otherwise fulfilled all of the
12 statutory requirements for licensure. The restricted license
13 shall be limited, conditioned and restricted as specified in
14 the foregoing Stipulation and Waiver.

15 This Order is effective immediately.

16 DATED: January 23, 2002.

18 PAULA REDDISH ZINNEMANN
19 Real Estate Commissioner

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FILED
NOV 21 2001
DEPARTMENT OF REAL ESTATE

By *[Signature]*

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Application of)	
SCOTT RONALD BELOIAN,)	No. H-29090 LA
Respondent.)	L-2001060686

NOTICE

TO: SCOTT RONALD BELOIAN, Respondent, and NEIL D. OKAZAKI, his Counsel.

YOU ARE HEREBY NOTIFIED that the Proposed Decision herein dated October 10, 2001, of the Administrative Law Judge is not adopted as the Decision of the Real Estate Commissioner. A copy of the Proposed Decision dated October 10, 2001, is attached for your information.

In accordance with Section 11517(c) of the Government Code of the State of California, the disposition of this case will be determined by me after consideration of the record herein including the transcript of the proceedings held on August 31,

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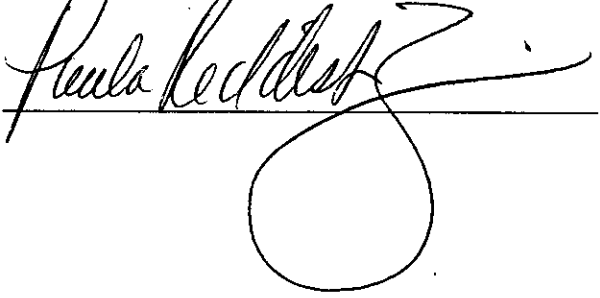
1 2001, and any written argument hereafter submitted on behalf of
2 Respondent and Complainant.

3 Written argument of Respondent to be considered by me
4 must be submitted within 15 days after receipt of the transcript
5 of the proceedings of August 31, 2001, at the Los Angeles office
6 of the Department of Real Estate unless an extension of the time
7 is granted for good cause shown.

8 Written argument of Complainant to be considered by me
9 must be submitted within 15 days after receipt of the argument of
10 Respondent at the Los Angeles office of the Department of Real
11 Estate unless an extension of the time is granted for good cause
12 shown.

13 DATED: November 16, 2001

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15 PAULA REDDISH ZINNEMANN
16 Real Estate Commissioner

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People v. Scott Ronald Beloian, case number CR47691, Respondent was convicted of violating Health and Safety Code section 11366.5, a felony. Respondent's conviction followed his plea of guilty to that charge, which plea had entered approximately two and one-half months earlier, on October 31, 1994. By his guilty plea Respondent was convicted of renting or leasing a storage place for the purpose of manufacturing drugs.

4. On its face, Respondent's crime is one of moral turpitude, substantially related to the duties, qualifications, and functions of a real estate licensee.

5. The Court suspended the imposition of sentence, on the condition that Respondent be placed on three years supervised probation, and on the condition that he serve six months in the county jail. Further, he was ordered to pay fines, assessments, and restitution of nearly \$2,000.00. Other terms and conditions, standard to probation grants, were imposed as well. On May 8, 1995, the Court granted Respondent's request to modify the probation terms, to allow him to serve his jail time on consecutive weekends.

6. The facts and circumstances of the Respondent's crime are as follows. In December 1992, when Respondent was twenty-two years old, he was renting a house in Riverside, California. After he was laid off his job, Respondent made an agreement with an acquaintance, Dan Snyder, to the effect that Mr. Snyder could attempt the manufacture of methamphetamine at the Respondent's home. On December 4, 1992, Snyder was processing chemicals in a pressure cooker on the stove at that house. The pressure cooker blew up, causing damage to the house, and injuring Snyder. Respondent's former girlfriend and her small child were present in the home, but avoided injury.

7. Respondent was to obtain some sort of recompense for allowing the use of his home, although the exact terms of the arrangement had not crystallized at the time of the explosion. It is inferred that if the manufacturing attempt had not ended in disaster, Respondent would have received some proceeds of any sales, or perhaps some of the drugs for his personal use.

8. Respondent completed his probation term three years and ten months ago, as it expired on January 12, 1998.

9. On March 7, 2001, the Superior Court granted Respondent's motion to reduce the charge to a misdemeanor, and to dismiss that charge pursuant to Penal Code section 1203.4.

10. Since his conviction Respondent has made steady progress toward rehabilitation, such that he is rehabilitated at this time. A number of facts lead to and support this finding, as described hereafter:

(A) Respondent has only one criminal conviction, for an act that occurred eight years and ten months ago. The conviction is now six years, nine months old. Both are far beyond the two-year minimum set forth in Title 10, California Code of Regulations ("CCR"), section 2911(a).

(B) As set forth in Factual Findings 8 and 9, Respondent completed his probation nearly four years ago, and the conviction was "expunged" pursuant to Penal Code section 1203.4. He paid all fines associated with his conviction. This is evidence of rehabilitation under 10 CCR 2911(c), (d) and (f).

(C) (i) Respondent has abstained from the use of drugs since October 15, 1999. This is one year, three hundred and sixty days ago (as of the issuance date for this proposed decision.) This is sufficient to satisfy the requirements of 10 CCR 2911(e).

(ii) It should be noted that Respondent voluntarily placed himself in a program to address his occasional (though apparently steady) use of drugs; again, he did so in October 1999. He did not do so at the compulsion of the police or the courts or an employer. The evidence is clear that he did so of his own volition, from a desire to rid himself of the noxious habit for his own good, and for the benefit of his child. Respondent is a member of Narcotics Anonymous, and attends meetings four days per week. He has been a member of that organization for approximately eighteen months.

(iii) One of the witnesses who testified for Respondent is a veteran police detective who specializes in drug cases. He was a childhood friend of Respondent, but had stopped associating with Respondent by the early 1990's. He has been associating with Respondent again in recent months. Detective Luna is confident, based on his training and experience, that Respondent is not using drugs anymore, as the witness knows the symptoms. He is sufficiently confident in that evaluation to continue social contact with Beloian, as he is otherwise not allowed to socialize with drug users.

(iv) As found below, Respondent is in a stable family structure, and has wholesome friends and associates. It is reasonably inferred that such provides a support system that decreases the likelihood of further drug use.

(v) Based on all of the foregoing (Findings (C)(i) through (v)) it is found that Respondent is unlikely to use drugs again.

(D) Respondent has proven stability in his family life, and fulfillment of parental and familial obligations. The undisputed and credible evidence established that Respondent is and has been the primary caretaker for his child, who is afflicted with a developmental disability, Down's Syndrome. Respondent spends about five days per week with the child, who is now in kindergarten. Respondent has also reestablished strong ties with his father and stepmother. Although their relationship was strained in the past, to the point that his father would not employ Respondent in his construction company, Respondent has reestablished trust with his parents. He is again working for his father, and has been since the spring of 2000. More recently, his father nominated Respondent as trustee of a living trust set up for the benefit of the senior Beloian's other children, who are minors. This is evidence of rehabilitation within the meaning 10 CCR 2911(g).

(E) There is evidence that Respondent is discharging, or making bona fide efforts at discharging, debts to others. In the course of the Department's interview process he acknowledged in writing that he is indebted to the IRS, and a credit card issuer, and making payments to both. This speaks directly to the criteria set forth in 10 CCR 2911(i).

(F) Respondent has different friends and relationships than he did at the time of his crime. He has renewed some friendships that were damaged by his wrongful acts and his irresponsible behavior. An example of this is his friendship with Detective Luna and Luna's brothers. Mr. Luna was personally embarrassed by Respondent's criminal acts, but has steadily allowed Respondent back into his life. Plainly, socializing with a policeman who investigates drug crimes would be a positive influence on Respondent. Respondent also spends time with his father, and stepmother, and fellow employees. All of this satisfies the criteria set forth in 10 CCR 2911(l).

(G) (i) Respondent has a wholly different attitude than at the time of his crime. He has accepted responsibility for his wrongdoing, including his drug use, and has addressed his misconduct and addiction in a positive way. He is now acting like a mature adult, rather than a frustrated juvenile who thinks that the world owes him something.

(ii) This finding is based on Respondent's credible testimony during the hearing. There he showed an honest and mature attitude towards his past transgressions, the Department's need to proceed as it has, and toward his future. This finding is also based on the credible testimony of his family members, and of Detective Luna, who all provided evidence of a changed and improved attitude. Finally, it is also based on the testimony of the Department's investigator, Ms. Jolly, who recounted her interview with Respondent. There she perceived that Respondent was remorseful, was taking responsibility for his acts, and dealing honestly and openly with her.

11. Respondent has been offered a real estate salesperson's position at Westco Real Estate Inc. His stepmother is employed there. The owners of the firm are aware of his criminal record, but would employ him nevertheless if he is licensed. Respondent has previously received training from the owners of that firm, to learn the business and his professional obligations, in the hope that he might obtain a license.

12. (A) The witnesses in this case were all credible, both in the manner of testimony, and their demeanor while on the stand. There was no indication or hint of prevarication or untruthfulness when the witnesses testified, through their behavior, or by the content of their statements. All evinced a positive and honest attitude. This was especially true of Respondent, who testified in a forthright manner.

(B) Significant weight was placed on Detective Luna's testimony that he would be able to ascertain if Respondent was using drugs, and on his opinion that Respondent is not. That testimony was presented openly and with an attitude of confidence in the witness's ability to distinguish between the reformed and those who feign such. And,

that witness's testimony of how Respondent interacts with his handicapped son corroborated the testimony of Respondent, and Respondent's father, regarding Beloian's assumption and discharge of paternal duties. This added credibility to the testimony of both of those witnesses.

(C) Ms. Jolly testified in a credible manner, without hint of bias. Significant weight was placed on Ms. Jolly's assessment of Respondent, that he had treated honestly with her when she interviewed him. This tended to corroborate Respondent's testimony, and underscored the credible manner in which he testified in the hearing.

LEGAL CONCLUSIONS

1. Respondent's conviction was for a crime of moral turpitude, substantially related to the duties, qualifications, and functions of a real estate agent. This conclusion is based on Factual Findings 3 through 7, Title 10, California Code of Regulations, section 2910(a)(8), and the discussion below.

2. Cause exists to deny the application of Respondent Scott Beloian for a real estate salesperson's license, pursuant to Business and Professions Code¹ sections 480(a) and 10177(b), because of his conviction of a crime of moral turpitude substantially related to the duties, qualifications, and functions of a real estate licensee. This Conclusion is based on Factual Findings 3 through 7, and Legal Conclusion number 1.

3. Respondent has established rehabilitation sufficient to allow him to receive a real estate salesperson's license, pursuant to Code section 480(b) and CCR section 2911. This Conclusion is based on Factual Findings 8 through 12(C), and the discussion below.

Discussion and Rationale:²

Case law has held that while the use of illegal drugs usually does not constitute moral turpitude, sale or distribution does. (*E.g., Rice v. Alcohol Beverage Control Appeals Board* (1979) 89 Cal. App. 3d 30, 37-38.) Here Respondent, by "renting" his stove for drug production, essentially engaged in distribution of illegal drugs, and thus his crime is one of moral turpitude. Respondent's conviction is expressly "related" under the law. (See CCR sections 2910(a)(8); *cf.* section 2910(b).)

¹ Hereafter all statutory references shall be to the Business and Professions Code, cited as "Code" along with the appropriate section number, unless otherwise noted. Further, all references to the Department's regulations shall be to Title 10 of the California Code of Regulations, cited as "CCR", along with the section number.

² The section that follows is within the ambit of Government Code section 11425.50(d) and is intended to explain the basis for the findings and conclusions, and to discuss legal issues. To the extent stated it is to augment credibility findings as well.

The law has long recognized that people can and do reform, and in such circumstances should not be barred from holding a professional or occupational license. (See Code sections 480(b), 481, and 482.) The Department, in compliance with the law, has promulgated regulations designed to assess whether or not an applicant has been rehabilitated. (See CCR section 2911.) Here Respondent has carried his burden of establishing rehabilitation under the applicable regulations.

Of great significance is the fact Respondent has met the standard set in CCR section 2911(a), which calls for the passage of at least two years from the most recent conviction or wrongful act. As set forth in the Findings nearly nine years have passed since the wrongful act, and nearly seven since the conviction. Respondent has had no contact whatsoever with law enforcement since that time, other than traffic infractions.

Section 2911(b) does not clearly apply in this case, since there was no evidence of any significant damage to the house Respondent rented at the time of the crime. However, the Superior Court ordered restitution of \$200.00, to the restitution fund. Whether that was for the benefit of any particular person is unclear. (See Exhibit 4 at page 7, item 05.) As Respondent completed probation and obtained an expungement, it is assumed he paid the \$200.00. No specific finding was made on this point, though it appears that any doubt would have to run in Respondent's favor.

As set forth in the findings, Respondent satisfied sections 2911(c), (d), and (f) by paying his fines, completing probation, and obtaining an expungement. Thus, in the eyes of the criminal justice system, he is rehabilitated.

Of great significance to the undersigned was the fact that Respondent obtained treatment for his drug dependency, and is engaged in a twelve-step program to maintain his independence. He had volunteered the fact that he sought treatment when he was interviewed prior to hearing, and did so at the hearing. He might have concealed that fact in the licensing process as there is no evidence he has ever been charged with drug use. However, he did not conceal that fact, which is evidence that he is honest and forthright. As found, he voluntarily entered the program, without any pressure from law enforcement. It is well known that those afflicted with drug and alcohol addiction recover best when internally motivated to break the habit. Thus, this evidence was given great weight.

Further, the evidence of recovery was corroborated by the testimony of Detective Luna. As found, that witness was very credible, both in his demeanor, and because of his expertise. His demeanor was that of a dedicated police officer, one who works daily in the war on drugs. His expertise was not challenged. His assessment that Respondent is "clean" was given great weight.

Detective Luna also corroborated the testimony of Respondent and Respondent's father, to the effect that Respondent is a devoted and stable parent. At the time of the hearing the undersigned noted that he has some experience in the area of caring for disabled children,

and could evaluate the evidence regarding the obligation placed on Respondent by that fact.³ As then noted, the undersigned and this office conduct hearings for the regional centers, established under the Lanterman Act to (Welfare and Institutions Code, section 4500 *et. seq.*) to provide assistance to developmentally disabled children. Further, the undersigned has cared for such children. There can be no doubt that Respondent is saddled with increased obligations as a result of his son's disabilities, and the evidence establishes that Respondent is meeting those responsibilities in a mature, responsible, and loving manner.

Significant weight was placed on the testimony provided by Respondent's father. He was credible in every way, and especially in his attitude. While one may expect bias from a parent, the senior Beloian made clear that he has no patience, and little tolerance, for the sort of irresponsible person that Respondent used to be, and his attitude was certainly not one of tolerance for drug manufacturing. He did exhibit pride in the way his son has turned his life around, and in the way Respondent has shouldered the obligation of fatherhood. That the man would now place Respondent in the position of a trustee added credence to his testimony, and was proof of a changed attitude on Respondent's part. (See 10 CCR 2911(m)(2).)

Virtually all of the evidence supported the finding that Respondent has had a change of attitude from the time of his crime, a factor spoken to in CCR section 2911(m). This started with Respondent. His attitude during his testimony, including during the cross-examination administered by an experienced attorney, was positive and mature. This attitude bolstered his credibility, as he displayed the attitude of an honest, mature, and responsible person. He made no complaint about his situation, as other applicants often do.

The other witnesses, including the Department's investigator, tended to support the finding. Ms. Jolly acknowledged that Respondent had appeared honest and forthright in her interview, and she could not point to any evidence to the contrary. Likewise, Detective Luna provided similar evidence of a reformed person of positive attitude.

Respondent did not provide evidence on every criteria set forth in the regulation. Aside from subsection (b), there was little or no evidence on the matter of education since the conviction (subsection (h)), though he has engaged in training with his potential employers at the Westcoe brokerage. And, there was little evidence on the matter of community or religious involvement. However, little weight was put on such, as it is recognized that single parents suffer significant time constraints. Further, nothing in the law requires an applicant to provide evidence on every criteria; to read such into the regulation would tend to create an unenforceable "underground" regulation.

Given the passage of time, Respondent's efforts at self-improvement and abstinence, and the strong evidence of a changed attitude, as well as the other evidence of rehabilitation, it must be concluded that Respondent is rehabilitated, and entitled to a salesperson's license.

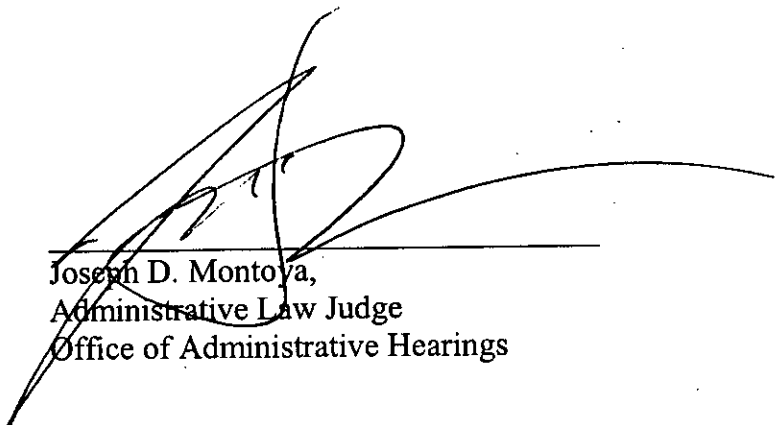
³ Under section 11425.50(c), the trier of fact in an administrative proceeding may use his or her "experience, technical competence, and specialized knowledge".

NOT ADOPTED

ORDER

The application of Respondent Scott Ronald Beloian for a real estate salesperson's license is granted.

October 10, 2001

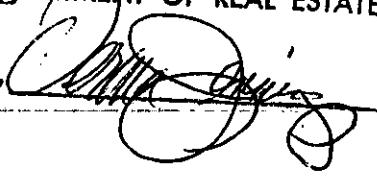


Joseph D. Montoya,
Administrative Law Judge
Office of Administrative Hearings

SAMP.

FILED
JUL 20 2001
DEPARTMENT OF REAL ESTATE

**BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA**

By 

In the Matter of the Application of

SCOTT RONALD BELOIAN

}
}

Case No. H-29090 LA

OAH No. L-2001060686

Respondent

NOTICE OF HEARING ON APPLICATION

To the above named respondent:

You are hereby notified that a hearing will be held before the Department of Real Estate at Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles, California, on August 31, 2001, at the hour of 1:30 p.m., or as soon thereafter as the matter can be heard, upon the Statement of Issues served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearing within ten (10) days after this notice is served on you. Failure to notify the presiding administrative law judge within ten days will deprive you of a change in the place of the hearing.

You may be present at the hearing. You have the right to be represented by an attorney at your own expense. You are not entitled to the appointment of an attorney to represent you at public expense. You are entitled to represent yourself without legal counsel. If you are not present in person nor represented by counsel at the hearing, the Department may take disciplinary action against you based upon any express admission or other evidence including affidavits, without any notice to you.

The burden of proof is upon you to establish that you are entitled to the license or other action sought. If you are not present nor represented at the hearing, the Department may act upon your application without taking evidence.

You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by applying to the Department of Real Estate.

The hearing shall be conducted in the English language. If you want to offer the testimony of any witness who does not proficiently speak the English language, you must provide your own interpreter and pay for his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

DEPARTMENT OF REAL ESTATE

Dated: July 20, 2001.

By 
SEAN CRAHAN, Counsel

cc: Scott R. Beloian
Westcoe Realtors Inc.
Sacto.
OAH

Handwritten:
5/10/01
Hay

1 SEAN CRAHAN, SBN 49351
2 Department of Real Estate
3 320 West 4th Street, Ste. 350
4 Los Angeles, California 90013-1105
5 Telephone: (213) 576-6907 (direct)
6 -or- (213) 576-6982 (office)

FILED
JUN 12 2001
DEPARTMENT OF REAL ESTATE
By *[Signature]*

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Application of) No. H-29090 LA
12 SCOTT RONALD BELOIAN,) STATEMENT OF ISSUES
13 Applicant.)
14

15 The Complainant, Thomas McCrady, a Deputy Real Estate
16 Commissioner of the State of California, for Statement of Issues
17 against SCOTT RONALD BELOIAN (Applicant) is informed and alleges
18 in his official capacity as follows:

19 1.

20 Applicant made application to the Department of Real
21 Estate of the State of California for a real estate salesperson
22 license on or about December 14, 2000, with the knowledge and
23 understanding that any license issued as a result of said
24 application would be subject to Section 10153.4(c) under the Real
25 Estate Law (Part 1 of Division 4 of the California Business and
26 Professions Code) (Code).

2.

1 On or about January 13, 1995, in the Superior Court of
2 Riverside County, State of California, in case number CR47691,
3 Applicant was convicted of violating California Health and Safety
4 Code Section 11366.5 [knowing rental of space for unlawful
5 distribution of drugs], a misdemeanor. Applicant was placed on
6 probation for 36 months. This crime, by its facts and
7 circumstances, involved moral turpitude and is substantially
8 related under Section 2910, Chapter 6, Title 10 of the California
9 Code of Regulations, to the qualifications, functions or duties
10 of a real estate licensee.
11

3.

12 The crime of which Applicant was convicted, as alleged
13 in Paragraph 2, above, constitutes cause for denial of
14 Applicant's application for a real estate license under Sections
15 480(a)(1) and 10177(b) of the Code.
16

17 These proceedings are brought under the provisions of
18 Section 10100, Division 4 of the California Business and
19 Professions Code and Sections 11500 through 11529 of the
20 California Government Code.
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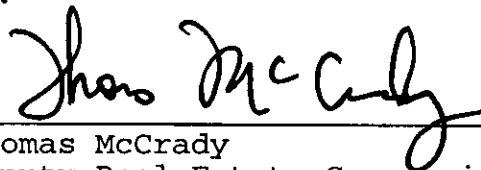
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1 WHEREFORE, the Complainant prays that above-entitled
2 matter be set for hearing and, upon proof of the charges
3 contained herein, that the Commissioner refuse to authorize the
4 issuance of, and deny the issuance of, a real estate salesperson
5 license to Applicant SCOTT RONALD BELOIAN, and for such other and
6 further relief as may be proper in the premises.

7 Dated at Los Angeles, California

8 this 12th day of June, 2001.

9 

10 Thomas McCrady
11 Deputy Real Estate Commissioner

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23
24 cc: Scott Ronald Beloian
25 Westcoe Realtors, Inc.
26 Thomas McCrady
Sacto.
RLJ

27 SC/vj