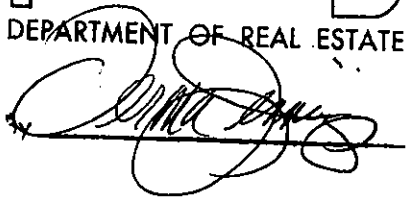


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FILED
DEC 26 2006
DEPARTMENT OF REAL ESTATE


BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of) NO. H-30672 LA
)
YOLANDA BERBERIAN,)
)
Respondent.)
)

ORDER GRANTING REINSTATEMENT OF LICENSE

On February 4, 2005, a Decision was rendered herein
revoking Respondent's real estate salesperson license.

On May 16, 2006, Respondent petitioned for
reinstatement of her real estate salesperson license and
the Attorney General of the State of California has been
given notice of the filing of said petition.

I have considered the petition of Respondent and
the evidence and arguments in support thereof. Respondent
has demonstrated to my satisfaction that Respondent meets
the requirements of law for the issuance to Respondent of
an unrestricted real estate salesperson license and that

1 it would not be against the public interest to issue said
2 license to Respondent.

3 NOW, THEREFORE, IT IS ORDERED that Respondent's
4 petition for reinstatement is granted and that a real estate
5 salesperson license be issued to Respondent if Respondent
6 satisfies the following conditions within nine (9) months
7 from the date of this Order:

8
9 1. Submittal of a completed application and payment
10 of the fee for a real estate salesperson license.

11 2. Submittal of evidence of having, since the most
12 recent issuance of an original or renewal real estate license,
13 taken and successfully completed the continuing education
14 requirements of Article 2.5 of Chapter 3 of the Real Estate
15 Law for renewal of a real estate license.

16 This Order shall become effective immediately.

17 DATED: 12-6-06.

18 JEFF DAVI
19 Real Estate Commissioner

20
21 
22
23

24
25 cc: Yolanda Berberian
26 7850 W. 81st Street
27 Playa Del Rey, CA 90293

SACTO.
Flg

FILED
MAR 24 2005
DEPARTMENT OF REAL ESTATE

[Handwritten Signature]

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DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	NO. H-30672 LA
)	L-2004030773
YOLANDA BERBERIAN,)	
)	<u>ORDER DENYING</u>
)	<u>RECONSIDERATION</u>
)	
)	

On February 4, 2005, a Decision was rendered in the above-entitled matter. The Decision was to become effective on February 28, 2005, and was stayed by separate order to March 30, 2005.

On February 18, 2005, Respondent petitioned for reconsideration of the Decision of February 4, 2005.

I have given due consideration to the petition of Respondent. I find no good cause to reconsider the Decision of February 4, 2005, and reconsideration is hereby denied.

IT IS SO ORDERED J-22 , 2005.

JEFF DAVI
Real Estate Commissioner

[Handwritten Signature]

SACTO.
Flag

FILED
FEB 23 2005

DEPARTMENT OF REAL ESTATE

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BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * * *

In the Matter of the Accusation of)	No. H-30672 LA
)	L-2004030773
YOLANDA BERBERIAN,)	
)	
Respondent.)	

ORDER STAYING EFFECTIVE DATE

On February 4, 2005, a Decision was rendered in the above-entitled matter to become effective February 28, 2005.

IT IS HEREBY ORDERED that the effective date of the Decision of February 4, 2005, is stayed for a period of 30 days.

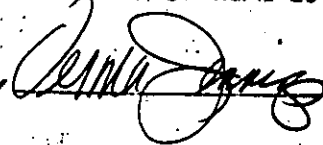
The Decision of February 4, 2005, shall become effective at 12 o'clock noon on March 30, 2005.

DATED: February 23, 2005.

JEFF DAVI
Real Estate Commissioner

By: *[Handwritten Signature]*
DOLORES WEEKS
Regional Manager

FILED
FEB - 7 2005
DEPARTMENT OF REAL ESTATE

By 

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * * * *

In the Matter of the Accusation of)	No. H-30672 LA
YOLANDA BERBERIAN,	L-2004030773
Respondent.	

DECISION

The Proposed Decision dated December 30, 2004, of the Administrative Law Judge of the Office of Administrative Hearings, is hereby adopted as the Decision of the Real Estate Commissioner in the above-entitled matter.

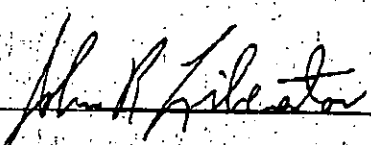
The Decision suspends or revokes one or more real estate licenses on grounds of the conviction of a crime.

The right to reinstatement of a revoked real estate license or to the reduction of a suspension is controlled by Section 11522 of the Government Code. A copy of Section 11522 and a copy of the Commissioner's Criteria of Rehabilitation are attached hereto for the information of respondent.

This Decision shall become effective at 12 o'clock noon on February 28, 2005.

IT IS SO ORDERED Feb. 4, 2005.

JEFF DAVI
Real Estate Commissioner



BY: John R. Liberator
Chief Deputy Commissioner

BEFORE THE
DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation Against: YOLANDA BERBERIAN, Respondent.	Case No. H-30672 LA OAH No. L2004030773
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PROPOSED DECISION

On December 15, 2004, Administrative Law Judge Timothy S. Thomas, Office of Administrative Hearings, heard this matter in Los Angeles, California.

James R. Peel, Staff Counsel, represented complainant Maria Suarez, Deputy Real Estate Commissioner, Department of Real Estate (hereinafter the department, or DRE).

Respondent Yolanda Berberian represented herself.

The matter was submitted on December 15, 2004.

FACTUAL FINDINGS

1. Complainant Maria Suarez filed the Accusation in her official capacity as Deputy Real Estate Commissioner for the department.

2. The department issued real estate salesperson's license number 01331135 to respondent on February 26, 2002. Although her license has been placed with a broker since that time, respondent has not used her license except to occasionally assist colleagues at open houses. She desires to maintain her license so that she may go to work when her children, now ages nine, seven and five, are older.

3. On March 27, 2002, respondent was convicted by her plea of no contest in Los Angeles Superior Court of violating Penal Code section 484, subdivision (a), petty theft, an offense involving moral turpitude and substantially related to the qualifications, functions and duties of the licensed activity. The court put respondent on probation for 18 months, and sentenced her to serve one day in jail (with credit for

the day served following her arrest), pay fines totaling \$250, and serve five days working for CalTrans.

4. The facts and circumstances leading to the conviction are that respondent was in a Nordstrom department store on March 2, 2002, when an undercover Nordstrom security agent observed respondent select two bracelets from a rack, put them on her wrist, and then walk away while removing the price tags. The agent then saw respondent select three pairs of earrings from another display and conceal them in her jacket pocket. Respondent then proceeded to the cosmetics department, where she selected several items and concealed them in her purse. The agent then watched as respondent proceeded to the children's department where she selected a pair of socks. Respondent exited the store without paying for any of the items, which had a total value of \$115.07. The security agent's report did not mention the presence of respondent's children. The agent specifically reported that respondent passed several "manned cash registers" without stopping on her way out of the store.

5. Respondent successfully fulfilled the terms of her probation, and on December 8, 2003, her petition to expunge the conviction pursuant to Penal Code section 1203.4 was granted. There is no evidence of any other criminal activity or convictions in respondent's lifetime.

6. The department asked respondent to explain the details of her arrest and convictions in writing. On August 23, 2003, respondent represented to DRE that her daughters put two bracelets and a lipstick in her purse when respondent was not looking. She reported that she in fact purchased other items, such as shoes and clothing, but did not pay for the items in her purse, presumably because she did not know they were in there. She stated that she was arrested outside the store, when her offer to pay for the items her daughters had taken was declined. This version of events differs not only from the report of the Nordstrom security agent, but her own testimony at this hearing. At hearing, she repeated the story that her daughters had secreted certain items in her purse, but almost as an afterthought admitted, "But I took some items, too."

7. Respondent testified that due to her father's health, her own health, and marital issues, she felt under a great deal of stress at the time of the Nordstrom incident. She denied financial problems, however, and could not otherwise explain her conduct. She has voluntarily received counseling through her church for the past one and one-half years, and believes it has helped her. Respondent insists that this was an isolated incident that will not be repeated.

8. Respondent committed an act of theft within one week of receiving her real estate salesperson's license. Even if her assurances that this was an isolated instance are credible, she greatly exacerbated her situation by being dishonest with the department in her written explanation of the event. Her tardy and partial

admission of culpability at hearing provides little assurance that respondent is indeed rehabilitated. Under all of the circumstances, should respondent determine in the future that she does wish to utilize her license, she will be required to re-apply for the privilege.

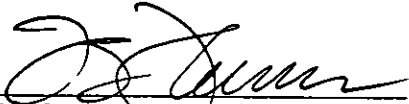
LEGAL CONCLUSIONS

1. Cause exists to discipline respondent's real estate salesperson's license number 01331135 pursuant to Business and Professions Code sections 490 and 10177, subdivision (b), in that she was convicted of a crime of moral turpitude that is substantially related to the qualifications, functions or duties of the licensed activity, based on Factual Findings 2 through 8.

ORDER

Real estate salesperson's license number 01331135 issued to respondent Yolanda Berberian is revoked.

DATED: December 30, 2004


TIMOTHY S. THOMAS
Administrative Law Judge
Office of Administrative Hearings

FILED
OCT 27 2004

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

DEPARTMENT OF REAL ESTATE
[Signature]

In the Matter of the Accusation of

YOLANDA BERBERIAN

Respondent

}
}

Case No. H-30672 LA

OAH No. L-2004030773

**CONTINUED
NOTICE OF HEARING ON ACCUSATION**

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 December 15, 2004**, at the hour of **10:30 a.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings 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.

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 his or her costs. The interpreter must be certified in accordance with Sections 11435.30 and 11435.55 of the Government Code.

Dated: October 27, 2004.

DEPARTMENT OF REAL ESTATE

By *James R. Peel*
JAMES R. PEEL, Counsel

cc: Yolanda Berberian
Philip J. Gilboy
Sacto./OAH

FILED
JUL 27 2004
DEPARTMENT OF REAL ESTATE

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

[Handwritten signature]

In the Matter of the Accusation of

YOLANDA BERBERIAN

}
}

Case No. H-30672 LA

OAH No. L-2004030773

Respondent

**CONTINUED
NOTICE OF HEARING ON ACCUSATION**

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 September 30, 2004, at the hour of 11:00 a.m., or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings 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.

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DEPARTMENT OF REAL ESTATE

Dated: July 27, 2004

By James R. Peel
JAMES R. PEEL, Counsel

cc: Yolanda Berberian
Philip J. Gilboy
Sacto./OAH

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

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In the Matter of the Accusation of

YOLANDA BERBERIAN

}
}

Case No. H-30672 LA

OAH No. L-2004030773

Respondent

NOTICE OF HEARING ON ACCUSATION

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 April 30, 2004**, at the hour of **1:30 p.m.**, or as soon thereafter as the matter can be heard, upon the Accusation served upon you. If you object to the place of hearing, you must notify the presiding administrative law judge of the Office of Administrative Hearings 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.

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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 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: April 8, 2004

By *James R. Peel*
JAMES R. PEEL, Counsel

cc: Yolanda Berberian
Philip J. Gilboy
Sacto./OAH

Sub.
Play

1 JAMES R. PEEL, Counsel (SBN 47055)
2 Department of Real Estate
3 320 West Fourth Street, Ste. 350
4 Los Angeles, California 90013-1105

5 Telephone: (213) 576-6982
6 -or- (213) 576-6913 (Direct)

FILED
JAN 22 2004
DEPARTMENT OF REAL ESTATE

By 

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * *

11 In the Matter of the Accusation of)	No. H-30672 LA
12 YOLANDA BERBERIAN,)	<u>ACCUSATION</u>
13 Respondent.)	
14 _____)	

15 The Complainant, Maria Suarez, a Deputy Real Estate
16 Commissioner of the State of California, for cause of accusation
17 against YOLANDA BERBERIAN alleges as follows:

18 I

19 The Complainant, Maria Suarez, a Deputy Real Estate
20 Commissioner of the State of California, makes this Accusation in
21 her official capacity.

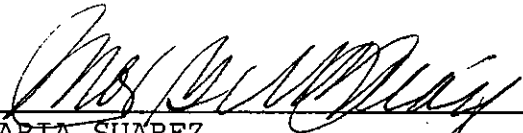
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23 YOLANDA BERBERIAN (hereinafter referred to as
24 "Respondent") is presently licensed and/or has license rights
25 under the Real Estate Law (Part 1 of Division 4 of the Business
26 and Professions Code, hereinafter referred to as the "Code").
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WHEREFORE, Complainant prays that a hearing be conducted on the allegations of this Accusation and that upon proof thereof, a decision be rendered imposing disciplinary action against all licenses and license rights of Respondent YOLANDA BERBERIAN under the Real Estate Law (Part 1 of Division 4 of the Business and Professions Code) and for such other and further relief as may be proper under other applicable provisions of law.

Dated at Los Angeles, California,
this 9th day of January 2004.



MARIA SUAREZ
Deputy Real Estate Commissioner

cc: Yolanda Berberian
Philip James Gilboy
Maria Suarez
Sacto.
AE