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FILED

JUL 05 2023

DEPARTMENT OF REAL ESTATE
By J. Taggart

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of:) DRE No. H-2276 FR
)
JOSHUA MORRIS YAGUDA,)
)
Respondent.)
_____)

ORDER DENYING REMOVAL OF DISCIPLINE INFORMATION FROM RESPONDENT'S
PUBLIC INFORMATION PAGE ON THE DEPARTMENT OF REAL ESTATE'S WEBSITE

On December 8, 2010, in Case No. H-2276 FR, a Decision was rendered disciplining the real estate broker license of Respondent effective February 10, 2011.

On October 20, 2022, Respondent petitioned for the removal of discipline information from Respondent's Public Information Page on the Department of Real Estate's Website ("the Website").

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).

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

3 The Department has developed criteria in Sections 2911 and 2912 of Title 10,
4 California Code of Regulations (Regulations) to assist in evaluating the rehabilitation of a
5 petitioner for the removal of discipline information from the website. Among the criteria relevant
6 in this proceeding are:

7 **Regulation 2912(b) Restitution to any person who has suffered monetary losses**
8 **through "substantially related" acts or omissions of the licensee.**

9 Respondent is still making payments for restitution to the victims.

10 **Regulation 2912(c) Expungement of the conviction or convictions which**
11 **culminated in the administrative proceeding to take disciplinary action.**

12 Respondent's criminal conviction has not been expunged

13 Respondent has failed to demonstrate to my satisfaction that Respondent is not a
14 credible risk to the public and that Respondent has undergone sufficient rehabilitation to warrant
15 the removal of discipline information from the Website.

16 Given the violations found and the fact that Respondent has not established that
17 Respondent has satisfied Regulation 2912(b) and 2912(c), I am not satisfied that Respondent is
18 sufficiently rehabilitated for the removal of discipline information from the website.

19 The earliest date on which the Respondent may submit a new petition for the
20 removal of discipline the website is one year from the effective date of this Decision. If, and when
21 petition is again made for this licensee, all competent evidence of rehabilitation presented by the
22 Respondent will be considered by the Real Estate Commissioner.

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1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for the removal
2 of discipline information from the Website is denied.

3 This Order shall become effective immediately.

4 DATED: 6/13/2023

5 DOUGLAS R. McCAULEY
6 REAL ESTATE COMMISSIONER



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8 By: Marcus L. McCarther
9 Chief Deputy Real Estate Commissioner

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