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**FILED**

MAY 22 2012

DEPARTMENT OF REAL ESTATE  
By *L. Frost*

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BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of  
  
DARREN WILSON KERR,  
  
Respondent.

No. H-4988 SAC

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

On January 13, 2009, in Case No. H-4988 SAC, a Decision was rendered revoking the real estate broker license of Respondent effective February 4, 2009.

On September 1, 2010, Respondent petitioned for reinstatement of said real estate broker 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).

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1 I have considered Respondent's petition and the evidence and arguments in  
2 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has  
3 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real  
4 estate broker license.

5 The Department has developed criteria in Section 2911 of Title 10, California  
6 Code of Regulations (Regulations) to assist in evaluating the rehabilitation of an applicant for  
7 reinstatement of a license. Among the criteria relevant in this proceeding are:

8 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,  
9 adjudicated debts or monetary obligations to others.

10 Respondent has provided no information that he has discharged his tax lien levied  
11 by the Internal Revenue Service.

12 I am satisfied, however, that it will not be against the public interest to issue a  
13 restricted real estate broker license to Respondent.

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

- 18 1. Submits a completed application and pays the fee for a restricted real  
19 estate broker license within the 12 month period following the effective date of this Order; and
- 20 2. Submits proof that Respondent has completed the continuing education  
21 requirements for renewal of the license sought. The continuing education courses must be  
22 completed either (i) within the 12 month period preceding the filing of the completed  
23 application, or (ii) within the 12 month period following the effective date of this Order.

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

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

5           B.     The restricted license issued to Respondent may be suspended prior to  
6 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner  
7 that Respondent has violated provisions of the California Real Estate Law,-the Subdivided Lands  
8 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted  
9 license.

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

14          D.     Respondent shall notify the Commissioner in writing within 72 hours of  
15 any arrest by sending a certified letter to the Commissioner at the Department of Real Estate,  
16 Post Office Box 187000, Sacramento, CA 95818-7000. The letter shall set forth the date of  
17 Respondent's arrest, the crime for which Respondent was arrested and the name and address of  
18 the arresting law enforcement agency. Respondent's failure to timely file written notice shall  
19 constitute an independent violation of the terms of the restricted license and shall be grounds for  
20 the suspension or revocation of that license.

21                 This Order shall become effective at 12 o'clock noon on JUN 11 2012

22                 IT IS SO ORDERED

May 21 2012

Real Estate Commissioner

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