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FILED

OCT 24 2016

BUREAU OF REAL ESTATE

By S. Black

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of

GREGORY DANIEL BEHRMANN,

Respondent.

No. H-5707 SAC

ORDER DENYING REMOVAL OF RESTRICTIONS ON LICENSE

On January 29, 2013, 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 20, 2013, and Respondent has held a restricted license since that time.

On April 29, 2016, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate salesperson license.

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 Bureau has developed criteria in Section 2911 of Title 10, California Code of
4 Regulations ("Regulations") to assist in evaluating the rehabilitation of an applicant for issuance
5 or reinstatement of a license. Among the criteria relevant in this proceeding are:

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

8 Respondent has not made any attempt to resolve or repay a 2008 judgement filed
9 against him in the amount of \$17,363.20, respectively.

10 Respondent has failed to demonstrate to my satisfaction that Respondent has
11 undergone sufficient rehabilitation to warrant the removal of the restrictions on Respondent's real
12 estate salesperson license at this time.

13 Given the fact that Respondent has not established that Respondent has complied
14 with Regulations 2911(j), I am not satisfied that Respondent is sufficiently rehabilitated to
15 receive an unrestricted salesperson license.

16 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of
17 restrictions on Respondent's real estate salesperson license is denied.

18 This Order shall become effective at 12 o'clock noon on NOV 14 2016

19 DATED 10/23/2016

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21 WAYNE S. BELL
22 REAL ESTATE COMMISSIONER

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