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SEP 14 2021

DEPARTMENT OF REAL ESTATE
By S. Black

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BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

TIMOTHY WESELY,

Respondent.

No. H-6560 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

On February 28, 2018, a Decision was rendered in Case No. H-6560 SAC revoking the real estate broker license of Respondent effective March 23, 2018, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on March 23, 2018, and Respondent has held a restricted licensee since that time.

On April 27, 2020, 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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I have considered the petition of Respondent and the evidence submitted in support thereof.

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

Regulation 2911(11) Correction of business practices resulting in injury to others or with the potential to cause such injury.

Respondent has failed to demonstrate change in business practices as his restricted real estate broker license was disciplined in a new accusation (H-6980 SAC) filed with the Department. His license was revoked with the right to a restricted license upon successful completion of the terms and conditions of the Stipulation and Agreement Order.

Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate broker license at this time.

Given the violations found and the fact that Respondent has not established that Respondent has satisfied Regulations 2911(11), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate broker license.

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on OCT 05 2021

IT IS SO ORDERED 9.1.21

DOUGLAS R. McCAULEY
ACTING REAL ESTATE COMMISSIONER

Douglas R. McCauley