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FILED

DEC 08 2015

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 Accusation of

JOHN CHEN,

Respondent.

No. H-11688 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On August 13, 2014, a Decision was rendered in Case No. H-11688 SF revoking the restricted real estate broker license of Respondent effective September 5, 2014.

On January 13, 2015, Respondent petitioned for reinstatement of said restricted 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).

I have considered the petition of Respondent and the evidence submitted in support thereof.

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

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

6 Petitioner has two open mechanics liens, and a \$400,000.00 civil judgment which
7 have not been satisfied. Petitioner has provided no evidence of having made any bona fide efforts
8 towards discharging these monetary obligations.

9 Regulation 2911(n) Change in attitude from that which existed at the time of the
10 conduct in question as evidenced by any or all of the following:

11 (2) Evidence from family members, friends or other persons familiar with
12 applicant's previous conduct and with his subsequent attitudes and behavioral
13 patterns.

14 Respondent has provided no evidence from family members, friends or others
15 concerning Respondent's change in attitude or insight concerning the violations that led to his
16 license disciplinary proceedings.

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

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

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

This Order shall become effective at 12 o'clock noon on DEC 29 2015

IT IS SO ORDERED 12/7/2015

REAL ESTATE COMMISSIONER


Wayne S. Bell