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DEC 23 2014

BUREAU OF REAL ESTATE

By *[Signature]*

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of
RICHARD D. CONSTANTINE,
Respondent.

No. H-34764 LA

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

On June 17, 2008, a Decision revoking Respondent's real estate salesperson license was rendered, but allowing Respondent the right to apply for a restricted real estate salesperson license. Respondent failed to apply for a restricted license.

On February 18, 2014, Respondent petitioned for reinstatement of Respondent's real estate salesperson license.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate salesperson license, in that:

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1 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
2 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
3 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
4 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

5 The Bureau has developed criteria in Section 2911, Title 10, California Code of
6 Regulations (Regulation) 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 monetary obligations to others

10 Respondent owes unpaid taxes to the IRS.

11 Regulation 2911(l)—Significant involvement in community, church or privately
12 sponsored programs designed to provide social benefits.

13 Respondent provided no evidence of community involvement.

14 Regulation 2911(n)(5)—Absence of subsequent felony or misdemeanor
15 convictions

16 In 2012, Respondent was convicted of driving without a license.

17 In 2009, Respondent was convicted two times for driving with a suspended
18 license.

19 Given the violations found and the fact that Respondent has not established that
20 Respondent has complied with Regulations 2911(j), (l), and (n)(5), I am not satisfied that
21 Respondent is sufficiently rehabilitated to receive an unrestricted real estate salesperson license.

22 I am satisfied, however, that it will not be against the public interest to issue a
23 restricted real estate salesperson license to Respondent.

24 A restricted real estate salesperson license shall be issued to Respondent pursuant
25 to Code Section 10156.5 if Respondent within twelve (12) months from the date hereof,
26 providing that Respondent:

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1 (a) Qualifies for, takes and passes the written examination required to obtain a real
2 estate salesperson license;

3 (b) Makes application and pays the appropriate fee for said license;

4 1. The restricted license issued to Respondent shall be subject to all of the
5 provisions of Code Section 10156.7 and to the following limitations, conditions and restrictions
6 imposed under authority of Code Section 10156.6. The restricted license issued to Respondent
7 may be suspended prior to hearing by Order of the Real Estate Commissioner in the event of
8 Respondent's conviction or plea of nolo contendere to a crime which is substantially related to
9 Respondent's fitness or capacity as a real estate licensee.

10 2. The restricted license issued to Respondent may be suspended prior to hearing
11 by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner that
12 Respondent has violated provisions of the California Real Estate Law, Regulations of the Real
13 Estate Commissioner or conditions attaching to the restricted license.

14 3. Respondent shall not be eligible to apply for the issuance of an unrestricted
15 real estate license nor for the removal of any of the conditions, limitations or restrictions of a
16 restricted license until two (2) years have elapsed from the effective date of this Decision.

17 4. Respondent shall submit with any application for license under an employing
18 broker, or any application for transfer to a new employing broker, a statement signed by the
19 prospective employing real estate broker on a form approved by the Bureau of Real Estate which
20 shall certify:

21 (a) That the employing broker has read the Decision of the Commissioner which
22 granted the right to a restricted license; and

23 (b) That the employing broker will exercise close supervision over the
24 performance by the restricted licensee relating to activities for which a real estate license is
25 required.

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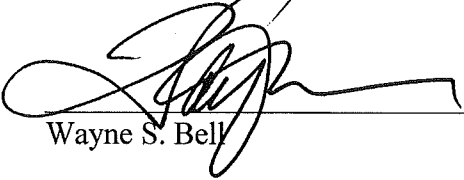
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5. Respondent shall notify the Commissioner in writing within 72 hours of any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the name and address of the arresting law enforcement agency. Respondent's failure to timely file written notice shall constitute an independent violation of the terms of the restricted license and shall be grounds for the suspension or revocation of that license.

This Order shall become effective at 12 o'clock noon on JAN 12 2015.

IT IS SO ORDERED 11/24/14

REAL ESTATE COMMISSIONER


Wayne S. Bell