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FILED

JUL 03 2014

BUREAU OF REAL ESTATE

By J. Asencio

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

DEREK JOHN GIBBONS,

Respondent.

No. H-36537 LA

ORDER DENYING REINSTATEMENT OF LICENSE

On November 2, 2010, a Decision was rendered revoking the real estate broker license of DEREK JOHN GIBBONS ("Respondent"), but granting Respondent the right to apply for a restricted salesperson license. The license was issued February 10, 2011, and will expire on February 9, 2015.

On June 24, 2013, Respondent petitioned for reinstatement said real estate broker license.

I have considered the petition of Respondent and the evidence submitted 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 broker license at this time.

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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 of Title 10, California Code of
6 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 monetary obligations to others

10 Respondent has not provided proof of satisfaction of numerous federal and state
11 tax liens.

12 Regulation 2911(l)—Significant or conscientious involvement in community,
13 church or privately sponsored programs designed to provide social benefits or to ameliorate
14 social programs

15 Respondent has not provided proof of community involvement.

16 Regulation 2911(n)(1)—Change of attitude from that which existed at the time of
17 the conduct in question as evidenced by any or all of the following:

18 Respondent failed to disclose in his Petition Application numerous state tax liens.

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)(1), I am not satisfied that
21 Respondent is sufficiently rehabilitated to have his broker license reinstated at this time.

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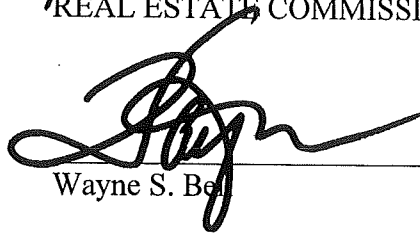
1 NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
2 reinstatement of Respondent's real estate broker license is denied.

3 This Order shall become effective at 12 o'clock noon on JUL 24 2014

4 IT IS SO ORDERED

6/10/2014

REAL ESTATE COMMISSIONER



Wayne S. Bo