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FILED

JAN 31 2020

DEPT. OF REAL ESTATE
By R. P. Sedell

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

Nos. H-38070 LA & H-38569 LA

DERRICK ANTHONY JONES,

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On November 19, 2013, a Decision was rendered in Case No. H-38070 LA revoking the real estate broker license of Respondent effective December 12, 2013, but granting the right to apply for a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on February 28, 2014. On February 12, 2014, a Decision was rendered in Case No. H-38569 LA, revoking all licenses and license rights of Respondent, effective March 28, 2014.

On February 28, 2019 Respondent petitioned for reinstatement of his 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

1 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

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

7 ***2911. Criteria for Rehabilitation***

8 (a)(1) The time that has elapsed since commission of the acts(s) or offense(s):
9 (A) The passage of less than two years after the most recent criminal conviction
10 or act of the applicant that is a cause of action in the Bureau's Statement of Issues
against the applicant is inadequate to demonstrate rehabilitation.

11 (B) Notwithstanding subdivision (a)(1)(A), above, the two year period may be
increased based upon consideration of the following:

12 (i) The nature and severity of the crime(s) and/or act(s) committed by the
Applicant.

13 (ii) The applicant's history of criminal convictions and/or license discipline
14 that are "substantially related" to the qualifications, functions, or duties of a real
estate licensee.

15 Respondent has a history of two separate disciplinary actions against his real
16 estate license. The violations were of a severe nature, justifying a restricted
license in one case and revocation in another case.

17
18 *(a)(2) Restitution to any person who has suffered monetary losses through*
19 *substantially related" acts or omissions of the applicant, or escheat to the State of*
these monies or other properties if the victim(s) cannot be located.

20 Respondent was ordered to pay \$7,501 in restitution to the victims in Case No. H-
21 38070 LA. He has offered no evidence of paying this restitution.

22 *(a)(10) Discharge of, or bona fide efforts toward discharging, adjudicated debts*
or monetary obligations to others.

23 On July 23, 2010 a judgment of \$3,389 was entered against Respondent in favor
24 of Clear Channel Broadcasting Inc.

25 On October 1, 2001, a state tax lien of \$4,668 was filed against Respondent.

26 He has offered no evidence of bona fide efforts towards discharging either of
27 these debts.

1 (a)(14)Change in attitude from that which existed at the time of the conduct in
2 question as evidenced by the following:
3 (A) Testimony and/or other evidence of rehabilitation submitted by the applicant.

4 In response to Question 4A on his Enforcement Petition Application, to wit: "Do
5 you have any past due debts, outstanding judgments, or have you filed
6 bankruptcy?", Respondent answered "no" and failed to disclose the unsatisfied
7 judgment listed above. In *Harrington vs. Dept. of Real Estate* (1989), 214 Cal.
8 App. 3d, 394, the court stated that lack of candor in completing a license application
9 is itself sufficient to sustain a finding that the applicant does not yet appreciate the
10 need to speak honestly about and to accept responsibility for one's actions.

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

14 Respondent did not submit any evidence from persons familiar with his previous
15 conduct and any subsequent changes in his behavior.

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

19 Given the violations found and the fact that Respondent has not established that
20 Respondent has satisfied Regulations 2911(a)(1), (a)(2) (a)(14)(A), and (B), I am not satisfied
21 that Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

24 This Order shall become effective at 12 o'clock noon on FEB 20 2020

25 IT IS SO ORDERED 1/17/20

26 SANDRA KNAU
27 ACTING REAL ESTATE COMMISSIONER

