

MAR - 1 2004

By Kathleen Contreras

* * *

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

1 integrity than an applicant for first time licensure. The proof
2 must be sufficient to overcome the prior adverse judgment on the
3 applicant's character (Tardiff v. State Bar (1980) 27 Cal. 3d 395).

4 On or about January 23, 2003, in the San Diego County
5 Superior Court, Respondent was convicted of a violation of
6 Section 647 (b) of the California Penal Code (Soliciting Act of
7 Prostitution). Further, in response to a question in the
8 petition application, "Are there any criminal charges pending
9 against you at this time", Respondent answered "No" and failed to
10 disclose in his petition that criminal charges had been filed
11 against him on September 17, 2002, in The People of the State of
12 California v. William Robert McArdle, San Diego County Superior
13 Court No. CN 150665.

14 The Department has developed criteria to assist in
15 evaluating the rehabilitation of an applicant for reinstatement
16 of a license. Among the criteria relevant in this proceeding are:

17 (a) The passage of not less than two years since the
18 most recent criminal conviction or act of the applicant
19 Less than ten months have elapsed from Respondent's most recent
20 criminal conviction.

21 (n) Change in attitude from that which existed at the
22 time of the conduct in question as evidenced by any or all of the
23 following:

24 (1) Testimony of applicant.

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

1 (3) Evidence from probation or parole officers or
2 law enforcement officials competent to testify as to applicant's
3 social adjustments.

4 (4) Evidence from psychiatrists or other
5 persons

6 Respondent's concealment of facts and lack of candor in
7 his petition application, demonstrate that Respondent has not
8 changed his attitude from that which existed at the time the
9 disciplinary action was taken in this matter.

10 Since Respondent has not established that he has
11 complied with Sections 2911 (a) and (n) of Title 10, California
12 Code of Regulations, I am not satisfied that Respondent is
13 sufficiently rehabilitated to receive an unrestricted real estate
14 broker license.

15 NOW, THEREFORE, IT IS ORDERED that Respondent's
16 petition for removal of restrictions on his real estate broker
17 license is denied.

18 This Order shall become effective at 12 o'clock noon on
19 March 22, 2004.

20 DATED: November 10, 2003

21 PAULA REDDISH ZINNEBANN
22 Real Estate Commissioner

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FILED
APR 25 1996
DEPARTMENT OF REAL ESTATE
By K. Kadenbach

DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Application of) No. H-1842 SD
WILLIAM ROBERT MCARDLE)
Respondent.)

ORDER GRANTING UNRESTRICTED LICENSE

On November 27, 1990, an Order was signed herein denying the Respondent's application for a real estate broker license, 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 December 26, 1990, and Respondent has operated as a restricted licensee without cause for disciplinary action against Respondent since that time. Said restricted license is due to expire on December 25, 1998.

On December 19, 1994, Respondent petitioned for the removal of restrictions attaching to Respondent's real estate broker license.

1 I have considered Respondent's petition and the
2 evidence submitted in support thereof. Respondent has
3 demonstrated to my satisfaction that Respondent meets the
4 requirements of law for the issuance to Respondent of an
5 unrestricted real estate broker license and that it would not be
6 against the public interest to issue said license to
7 Respondent.

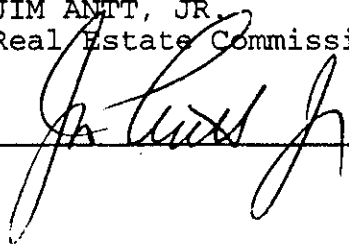
8 NOW, THEREFORE, IT IS ORDERED that Respondent's
9 petition for removal of restrictions is granted and that a real
10 estate broker license be issued to Respondent subject to the
11 following understanding and conditions:

12 Within six (6) months from the date of this Order,
13 Respondent shall:

14 Submit a completed application and payment of the
15 fee for a real estate broker license.

16
17 This Order shall be effective immediately.

18 Dated: 4/19/96
19

20
21 JIM ANTT, JR.
22 Real Estate Commissioner
23
24 

25 cc: WILLIAM ROBERT McARDLE
26 P.O. Box 462023
27 Escondido, California 92046

9/10/90

FILED

NOV 30 1990

DEPARTMENT OF REAL ESTATE
BY R. Berry

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

♦ ♦ ♦

In the Matter of the Application of

WILLIAM ROBERT McARDLE,

Respondent.

No. H-1842 SD

STIPULATION AND WAIVER

I, WILLIAM ROBERT McARDLE

, respondent herein, do hereby affirm that I have applied to the Department of Real Estate for a real estate broker license and that to the best of my knowledge I have satisfied all of the statutory requirements for the issuance of the license, including the payment of the fee therefor.

I acknowledge that I have received and read the Statement of Issues and the Statement to Respondent filed by the Department of Real Estate on November 9, 1990, in connection with my application for a real estate broker license. I understand that the Real Estate Commissioner may hold a hearing on this Statement of Issues for the purpose of requiring further proof of my honesty and truthfulness, and to prove other allegations therein, or that he may in his discretion waive the hearing and grant me a restricted real estate broker license based upon this Stipulation and Waiver. I also understand that by filing the Statement of Issues in this matter the Real Estate Commissioner is shifting the burden to me to make a satisfactory showing that I meet all the requirements for issuance of a real estate broker license. I further understand that by entering into this stipulation and waiver I will be stipulating that the Real Estate Commissioner has found

1 that I have failed to make such a showing, thereby justifying the denial of the issuance to me of an unrestricted
2 real estate broker license.

3 I hereby admit that the allegations of the Statement of Issues filed against me are true and correct and
4 request that the Real Estate Commissioner in his discretion issue a restricted real estate broker license to me
5 under the authority of Section 10156.5 of the Business and Professions Code.

6 I am aware that by signing this Stipulation and Waiver, if this Stipulation and Waiver is accepted by the
7 Real Estate Commissioner, I am waiving my right to a hearing and the opportunity to present my evidence at
8 the hearing to establish my rehabilitation in order to obtain an unrestricted real estate broker license. I am not
9 waiving my right to a hearing and to further proceedings to obtain a restricted or unrestricted license if this
10 Stipulation and Waiver is not accepted by the Commissioner.

11 I further understand that the following conditions, limitations and restrictions will attach to a restricted
12 license issued by the Department of Real Estate pursuant hereto:

13 1. The license shall not confer any property right in the privileges to be exercised, and the Real Estate
14 Commissioner may by appropriate order suspend the right to exercise any privileges granted under
15 this restricted license in the event of:

16 a. The conviction of respondent (including a plea of nolo contendere) to a crime which bears a
17 substantial relationship to respondent's fitness or capacity as a real estate licensee; or

18 b. The receipt of evidence that respondent has violated provisions of the California Real Estate
19 Law, the Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions
20 attaching to this restricted license.

21 2. Respondent shall not be eligible to apply for the issuance of an unrestricted real estate license nor
22 the removal of any of the conditions, limitations or restrictions attaching to the restricted license
23 until one year has elapsed from the date of issuance of the restricted license to respondent.

24 DATED this 14th day of November, 19 90.

25 William Robert McCardle
26 Respondent, WILLIAM ROBERT McARDLE

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3 I have read the Statement of Issues filed herein and the foregoing Stipulation and Waiver signed by
4 respondent. I am satisfied that the hearing for the purpose of requiring further proof as to the honesty and
5 truthfulness of respondent need not be called and that it will not be inimical to the public interest to issue a
6 restricted real estate broker license to respondent.

7 Therefore, IT IS HEREBY ORDERED that a restricted real estate broker license be issued to respondent
8 WILLIAM ROBERT McARDLE if respondent has otherwise fulfilled all of the
9 statutory requirements for licensure. The restricted license shall be limited, conditioned and restricted as
10 specified in the foregoing Stipulation and Waiver.

11 This Order is effective immediately.

12 DATED this 27th day of November, 19 50.

14 JAMES A. EDMONDS, JR.
15 Real Estate Commissioner

16 John R. Liberator
17 by: JOHN R. LIBERATOR
18 Chief Deputy Commissioner

502
1 CHRISTOPHER K.D. LEONG, Counsel
2 Department of Real Estate
3 107 South Broadway, Room 8107
4 Los Angeles, CA 90012
5 (213) 620-4790

NOV-9 1990

DEPARTMENT OF REAL ESTATE

BY Christ

8 DEPARTMENT OF REAL ESTATE

9 STATE OF CALIFORNIA

10 * * * *

11 In the Matter of the Application of)
12 WILLIAM ROBERT McARDLE,)
13)
14 Respondent.)

No. H-1842 SD

STATEMENT OF ISSUES

15
16 The Complainant, J. Chris Graves, a Deputy Real Estate
17 Commissioner of the State of California, for Statement of Issues
18 against WILLIAM ROBERT McARDLE (hereinafter "Respondent") is
19 informed and alleges as follows:

20 I

21 Respondent made application to the Department of Real
22 Estate of the State of California for a real estate salesperson
23 license on or about August 7, 1990.

24 II

25 The Complainant, J. Chris Graves, a Deputy Real Estate
26 Commissioner of the State of California, makes this Statement of
27 Issues against Respondent in his official capacity.

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III

On or about December 18, 1987, in the United States District Court for the Southern District of California, California, Respondent pleaded guilty to a violation of Section 18 USC 2113(b) (bank larceny), a crime involving moral turpitude, which is substantially related under Section 2910, Title 10, California Administrative Code, to the qualifications, functions or duties of a real estate licensee.

IV

The crime of which Respondent pleaded guilty, as alleged above in Paragraph III, constitutes cause for denial of Respondent's application for a real estate license under Sections 480(a) and 10177(b) of the California Business and Professions Code.

These proceedings are brought under the provisions of Section 10100, Division 4 of the Business and Professions Code of the State of California and Sections 11500 through 11528 of the Government Code.

Dated at San Diego, California
this 9th day of November, 1990.

J. CHRIS GRAVES
Deputy Real Estate Commissioner

cc: William Robert McArdle
Sacto.
FJF

ceb