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FILED

DEC 15 2014

BUREAU OF REAL ESTATE

By *Sybil Kanner*

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of)	
)	NO. H-2532 FR
RICHARD ERLING HALVORSON,)	
)	
Respondent.)	
)	

ORDER DENYING REINSTATEMENT OF LICENSE

On April 24, 2011, a Decision was rendered in Case No. H-2532 FR revoking the real estate salesperson license of Respondent, effective June 9, 2011, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on August 30, 2011, and Respondent had a restricted licensee since that time.

On June 20, 2013, Respondent petitioned for reinstatement of said real estate salesperson license, and the Attorney General of the State of California has been given notice of the filing of said petition.

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

1 salesperson license at this time.

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3 In the Decision which revoked his real estate salesperson license there was a
4 Determination of Issues made that there was sufficient cause to revoke the license of Respondent
5 pursuant to Sections 10176(i), 10177(j) and 10177(g) of the California Business and Professions
6 Code (hereinafter "Code").

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

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

15 Regulation 2911(k) Correction of business practices resulting in injury to others or
16 with the potential to cause such injury.

17 Due to the serious nature of Respondent's previous violations, Respondent's real
18 estate salesperson license was revoked, and Respondent was granted the right to apply for and be
19 issued a restricted real estate license. While holding this restricted real estate license,
20 Respondent worked, unsupervised, for an unlicensed branch location of an out-of-town
21 corporation. During this tenure, the Bureau initiated an investigation of a public complaint
22 against the Respondent for dumping numerous boxes of loan files containing confidential
23 borrower information. Given the nature of Respondent's prior violations and the presence of a
24 current, pending investigation, Respondent has failed to demonstrate a correction of his business
25 practices.

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Regulation 2911(n) (1) Change in attitude from that which existed at the time of the conduct in question.

Nor has Respondent submitted proof of a change in attitude since the issuance of his restricted license. The Bureau has a pending investigation of a public complaint lodged against Respondent for file dumping; Respondent admitted to the Bureau that he had worked unsupervised for an unlicensed branch location of an out-of-town corporation; and Respondent stated to the Bureau's investigator that his license revocation stemmed not from his business practices, but from a medical issue. Respondent has failed to demonstrate any change in attitude between the time of his license revocation and the present petition for reinstatement.

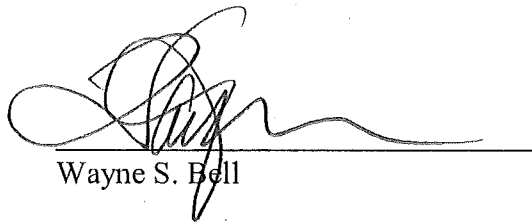
Given the violations found and the fact that Respondent has not established his compliance with Regulations 2911(k) and 2911(n)(1), I am not satisfied that Respondent is sufficiently rehabilitated to receive a real estate salesperson license.

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

This Order shall become effective at 12 o'clock noon on **JAN 05 2015**

DATED: 12/4/2014

REAL ESTATE COMMISSIONER


Wayne S. Bell