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FILED

JUL 26 2017

BUREAU OF REAL ESTATE

By S Black

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

JONATHAN DUC NGUYEN,

Respondent.

No. H-2659 FR

ORDER DENYING REINSTATEMENT OF LICENSE

On February 27, 2013, a Decision was rendered in Case No. H-2659 FR revoking the real estate broker license of Respondent effective March 29, 2013, 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 March 29, 2013, and Respondent has held a restricted licensee since that time.

On October 7, 2013, Respondent petitioned for reinstatement of said 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 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

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

6 Regulation 2911(j) Discharge of, or bona fide efforts toward discharging,
7 adjudicated debts or monetary obligations to others.

8 Respondent failed to disclose a 2014 judgement in the amount of \$3,867.00 and
9 has not made any attempt to repay this debt.

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

13 Given the violations found and the fact that Respondent has not established that
14 Respondent has satisfied Regulations 2911(j), I am not satisfied that Respondent is sufficiently
15 rehabilitated to receive a real estate broker license.

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

18 This Order shall become effective at 12 o'clock noon on **AUG 16 2017**

19 IT IS SO ORDERED 7/17/17

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

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23 By: DANIEL J. SANDRI
24 Chief Deputy Commissioner

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