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FILED

MAR 27 2012

DEPARTMENT OF REAL ESTATE

By R. Mar

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

MARCELO ANDRES CAMPOS,

No. H-2954 SD

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On April 22, 2004, a Decision was rendered in Case No. H-2954 SD revoking the real estate salesperson license of Respondent effective June 3, 2004, 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 June 4, 2004, and Respondent has operated as a restricted licensee since that time.

On May 10, 2010, 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.

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. Respondent has failed to demonstrate to my satisfaction that Respondent has  
4 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate  
5 salesperson license at this time.

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

9 Regulation 2911(c) Expungement of criminal convictions resulting from immoral  
10 or antisocial acts.

11 Respondent has provided no information that he has had, or is in the process of,  
12 having, his convictions expunged.

13 Regulation 2911(f) Abstinence from the use of controlled substances or alcohol  
14 for not less than two years if the conduct which is the basis to deny the departmental action  
15 sought is attributable in part to the use of controlled substances or alcohol.

16 Respondent has been convicted of four separate alcohol related crimes between  
17 2001 and 2004. Although he has not been convicted of a crime since December 2004,  
18 Respondent's history of alcohol abuse and criminal behavior connected to that abuse requires  
19 more time to demonstrate that he has been rehabilitated to the point that it would be prudent to  
20 allow Respondent to hold an unrestricted real estate license.

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

23 Since his real estate license was revoked with the right to a restricted license,  
24 Respondent defaulted on a loan secured by a rental condo which he owned, and then discharged  
25 the amounts he owed to the condo homeowner's association in bankruptcy.

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1           Given the violations found and the fact that Respondent has not established that  
2 Respondent has satisfied Regulations 2911(c), (f), and (j), I am not satisfied that Respondent is  
3 sufficiently rehabilitated to receive an unrestricted real estate salesperson license.

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

6           This Order shall become effective at 12 o'clock noon on APR 17 2012.

7           IT IS SO ORDERED

3/2/12

8           BARBARA J. BIGBY

9           Acting Real Estate Commissioner

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