FILED

MAY 28 2014

BUREAU OF REAL ESTATE

By

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of JAMES PATRICK BURRELL, Respondent.	No. H-3966 SD

ORDER DENYING REINSTATEMENT OF LICENSE

On November 16, 2009, a Decision was rendered revoking the real estate broker license of Respondent, but granting Respondent the right to apply for a restricted broker license. The license was issued December 10, 2009, and will expire on December 9, 2017.

On December 26, 2012, Respondent petitioned for removal of restrictions from said real estate broker license.

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 removal of restrictions from Respondent's real estate broker license at this time.

///

///

///

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).

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

Regulation 2911(j)—Discharge of, or bona fide efforts toward discharging monetary obligations to others

Respondent has not provided proof of satisfaction of judgments for multiple civil cases. Respondent has not filed state or federal taxes since 2004 and has state and federal tax liens.

Regulation 2911(l)—Significant or conscientious involvement in community, church or privately sponsored programs designed to provide social benefits or to ameliorate social programs

Respondent has not provided proof of community involvement.

Regulation 2911(n)(1) and (2)—Change of attitude from that which existed at the time of the conduct in question as evidenced by any or all of the following:

Respondent has not submitted proof of these matters.

Given the violations found and the fact that Respondent has not established that Respondent has complied with Regulations 2911 (j), (l), and (n)(1) and (2), I am not satisfied that Respondent is sufficiently rehabilitated to have the restrictions removed from his license at this time.

///

///

///

///

NOW, THEREFORE, IT IS ORDERED that Respondent's petition for removal of restrictions from Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on JUN 18 2014.

IT IS SO ORDERED 5/21/2014

REAL ESTATE COMMISSIONER

WAYNE S. BELL