

FILED

OCT 15 2018

DEPT. OF REAL ESTATE

By R. P. P. P.

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

ROBERT BRYAN KLAUS,

No. H-04549 SD

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On May 18, 2015, a Decision was rendered in Case No. H-04549 SD revoking the real estate broker license of Respondent effective June 15, 2015, 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 June 15, 2015, and Respondent has held a restricted licensee since that time.

On May 23, 2018, 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 Department has developed criteria in Section 2911 of Title 10, California
4 Code of 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:

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7 ***2911. Criteria for Rehabilitation (Denial)***

8 **(a) (3) Expungement of criminal convictions.**

9 Respondent has not presented any evidence that his criminal convictions have been expunged.

10 **(a) (9) Completion of, or sustained enrollment in, formal education or vocational**
11 **training courses for economic self-improvement.**

12 Respondent has not presented evidence of completing any such courses.

13 **(a) (12) Significant or conscientious involvement in community, church or**
14 **privately-sponsored programs designed to provide social benefits or to ameliorate social**
15 **problems.**

16 In response to question 12 in his Enforcement Petition Application, to wit: "Are you or
17 have you been active in social, civic or community groups?", Respondent stated "no".

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

21 Given the violations found and the fact that Respondent has not established that
22 Respondent has satisfied Regulations 2911(a)(3), (9), and (12), I am not satisfied that
23 Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

3 This Order shall become effective at 12 o'clock noon on NOV 03 2018

4 IT IS SO ORDERED October 9, 2018

5 DANIEL J. SANDRI
6 ACTING REAL ESTATE COMMISSIONER

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