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FILED

FEB 13 2018

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

BRIAN OLIVER CANADA,

Respondent.

No. H-5327 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

On December 19, 2012, a Decision was rendered in Case No. H-5327 SAC revoking the real estate broker license of Respondent effective January 18, 2013.

On August 15, 2017, 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).

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

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

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

6 Respondent failed to disclose a small claims judgment that was paid to Plaintiff
7 Khabatyuk through the CalBRE's Recovery Account Case #R-04781, in the amount of
8 \$5,583.19. Respondent has failed to contact the CalBRE Recovery to make efforts to pay or
9 make payments to repay this debt. To date, Petitioner owes \$8,137.89, respectively.

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.

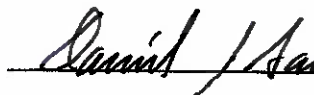
13 Given the violations found and the fact that Respondent has not established that
14 Respondent has satisfied Regulations 2911(j). I am not satisfied that Respondent is sufficiently
15 rehabilitated to receive a real estate broker license.

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

18 This Order shall become effective at 12 o'clock noon on MAR 06 2018.

19 IT IS SO ORDERED 2/8/18

20 WAYNE S. BELL
21 REAL ESTATE COMMISSIONER

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23 
24 By: DANIEL J. SANDRI
25 Chief Deputy Commissioner
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