

FLAG

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

FILED

MAR 15 2013

DEPARTMENT OF REAL ESTATE
By R. M. [Signature]

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

GREGORY TREYONE SHORTER,

Respondent.

No. H-5366 SAC

ORDER DENYING REINSTATEMENT OF LICENSE

On September 29, 2010, a Decision was rendered in Case No. H-5366 SAC revoking the real estate salesperson license of Respondent effective October 20, 2010.

On September 28, 2011, 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 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. Respondent has failed to demonstrate to my satisfaction that Respondent has

1 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
2 salesperson license at this time.

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:

6 Regulation 2911(a) The passage of not less than two years since the most recent
7 criminal conviction or act of the applicant that is a basis to deny the departmental action sought.
8 (A longer period will be required if there is a history of acts or conduct substantially related to
9 the qualifications, functions or duties of a licensee of the department.)

10 Respondent's most recent criminal conviction was in December 2008 for DUI.
11 That conviction was preceded by one in October 2008 for petty theft; a probation violation in
12 October 2006; and three more convictions in January 2005 - for fighting in public (Penal Code
13 section 415), exhibiting a deadly weapon (Penal Code section 417), and felony threatening crime
14 with intent to terrorize (Penal Code section 422). Considering the number and seriousness of
15 Respondent's convictions, sufficient time has not passed since Respondent's most recent
16 conviction for him to demonstrate his complete rehabilitation.

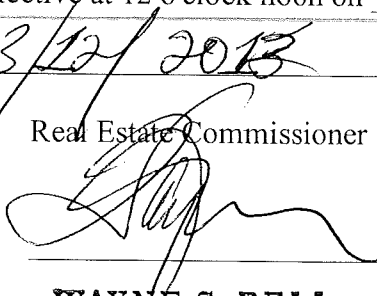
17 Given the violations found and the fact that Respondent has not established that
18 Respondent has satisfied Regulation 2911(a), I am not satisfied that Respondent is sufficiently
19 rehabilitated to receive a real estate salesperson license.

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

22 This Order shall become effective at 12 o'clock noon on APR - 5 2013.

23 IT IS SO ORDERED

24 3/12/2013
25 Real Estate Commissioner

26 
27 WAYNE S. BELL