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FILED

MAR 04 2016

BUREAU OF REAL ESTATE

By S. Black

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

JOSEPH D. ACQUISTAPACE,

No. H-5440 SAC

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On July 29, 2011, a Decision was rendered in Case No. H-5440 SAC revoking the real estate salesperson license of Respondent effective August 24, 2011.

On February 26, 2015, 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.

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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(b) Restitution to any person who has suffered monetary losses
5 through "substantially related" acts or omissions of the applicant.

6 Respondent has failed to pay restitution of \$4,585.00 to Kendell Johnson as
7 ordered in the H-5441 SAC Desist & Refrain Order.

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

10 Respondent owes a 2008 small claims judgment in the amount of \$7,500.00 and a
11 2009 civil judgment in the amount of \$14,990.00.

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


15 Given the violations found and the fact that Respondent has not established that
16 Respondent has satisfied Regulations 2911(b) and (j), I am not satisfied that Respondent is
17 sufficiently rehabilitated to receive a real estate salesperson license.

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

20 This Order shall become effective at 12 o'clock noon on **MAR 25 2016**

21 IT IS SO ORDERED

22 REAL ESTATE COMMISSIONER

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24 
25 Wayne S. Bell
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