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FILED

MAR 19 2025

DEPT. OF REAL ESTATE
By R. Posada

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

WILLIAM R. FAHY,

Respondent.

No. H-05700 SD

ORDER DENYING REINSTATEMENT OF LICENSE

On April 25, 2023, a Decision was rendered in Case No. H-05700 SD revoking the real estate broker license of Respondent effective June 1, 2023.

On June 16, 2024, 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 Department has developed criteria in Section 2911 of Title 10, California
2 Code of 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 ***2911. Criteria for Rehabilitation***

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

6
7 On October 30, 2023, before the Superior Court of California, County of San
8 Diego, in Case No. CN446342, respondent was convicted for violating Vehicle
9 Code section 23152(B) (driving with a blood alcohol level of .08% or greater)
with an enhancement under Vehicle Code section 23578 (driving with a blood
alcohol level of .15% or more), a misdemeanor.

10 Respondent has offered no evidence that this conviction has been expunged.

11 *(a)(5) Successful completion or early discharge from probation or parole.*

12
13 Respondent's probation for his 2023 conviction is set to expire on October 29,
2028. He has offered no evidence of early discharge from probation.

14 *(a)(7) Payment of the fine and/or other monetary penalty imposed in connection*
15 *with a criminal conviction or quasi-criminal judgment.*

16 Respondent has offered no evidence of full payment of the fines ordered in his
17 2023 conviction.

18 *(a)(14)(E) Absence of subsequent felony convictions, misdemeanor convictions, or other*
19 *conduct that provides grounds to discipline a real estate licensee, which reflect an*
20 *inability to conform to societal rules when considered in light of the conduct in question.*

21 Respondent's conviction, which was subsequent to his license discipline,
demonstrates an inability to conform to societal rules.

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

25 Given the violations found and the fact that Respondent has not established that
26 Respondent has satisfied Regulations 2911(a)(3), (a)(5) (a)(7) and (a)(14)(E), I am not satisfied
27

1 that Respondent is sufficiently rehabilitated to receive a real estate broker license.

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

4 This Order shall become effective at 12 o'clock noon on 4-8-2025.

5 IT IS SO ORDERED 3/16/2025

6
7 CHIKA SUNQUIST
8 REAL ESTATE COMMISSIONER

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10 By: Marcus L. McCarther
11 Chief Deputy Real Estate Commissioner
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