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MAY 22 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

ROBERT WAYNE DAVIDSON,

Respondent.

No. H-5983 SAC

ORDER DENYING REINSTATEMENT OF LICENSE
BUT GRANTING RIGHT TO A RESTRICTED LICENSE

On October 7, 2014, in Case No. H-5983 SAC, a Decision was rendered revoking the real estate broker license of Respondent effective November 13, 2014.

On November 15, 2016, 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 Respondent's petition and the evidence submitted in support thereof.

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(k) Correction of business practices resulting in injury to others
5 or with the potential to cause such injury.

6 Respondent has not been able to demonstrate change in business practices as he
7 has not been able to practice license activities.

8 Regulation 2911(n) Change in attitude from that which existed at the time of the
9 conduct in question as evidenced by any or all of the following:

10 (1) Testimony of applicant.

11 Respondent's testimony does not indicate a change of attitude which existed
12 at the time Respondent surrendered his license due to a trust fund shortage in excess of
13 \$300,000.00. Respondent expressed that shortage was due to embezzlement from an employee
14 which he continued to employ and justified her employment to prioritize his own self-interest
15 and reputation rather than protecting his clients and community. Respondent only after his
16 interview submitted a complaint to the Napa Police Department; however, the allegations are
17 beyond the statute of limitations.

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

21 I am satisfied, however, that it will not be against the public interest to issue a
22 restricted real estate salesperson license to Respondent.

23 A restricted real estate salesperson license shall be issued to Respondent pursuant
24 to Section 10156.5 of the Business and Professions Code, if Respondent satisfies the following
25 conditions prior to and as a condition of obtaining a restricted real estate salesperson license
26 within twelve (12) months from the effective date of this Order:
27

1 1. Respondent shall qualify for, take and pass the real estate salesperson
2 license examination.

3 2. Submittal of a completed application and payment of the fee for a real
4 estate salesperson license.

5 The restricted license issued to Respondent shall be subject to all of the provisions
6 of Section 10156.7 of the Business and Professions Code and to the following limitations,
7 conditions and restrictions imposed under authority of Section 10156.6 of that Code:

8 A. The restricted license issued to Respondent may be suspended prior to
9 hearing by Order of the Real Estate Commissioner in the event of Respondent's conviction or
10 plea of nolo contendere to a crime which is substantially related to Respondent's fitness or
11 capacity as a real estate licensee.

12 B. The restricted license issued to Respondent may be suspended prior to
13 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the
14 Commissioner that Respondent has violated provisions of the California Real Estate Law, the
15 Subdivided Lands Law, Regulations of the Real Estate Commissioner or conditions attaching to
16 the restricted license.

17 C. Respondent shall not be eligible to apply for the issuance of an
18 unrestricted real estate license nor the removal of any of the limitations, conditions or
19 restrictions of a restricted license until two (2) years have elapsed from the date of the issuance
20 of the restricted license to Respondent.

21 D. Respondent shall submit with any application for license under an
22 employing broker, or any application for transfer to a new employing broker, a statement signed
23 by the prospective employing real estate broker on a form approved by the Bureau of Real
24 Estate which shall certify:

25 1. That the employing broker has read the Decision of the Commissioner
26 which granted the right to a restricted license; and

27 2. That the employing broker will exercise close supervision over the

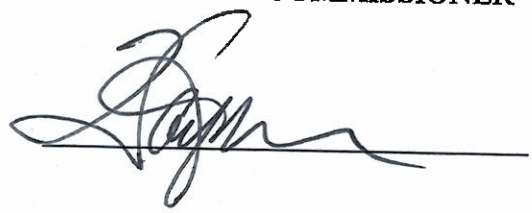
1 performance by the restricted licensee relating to activities for which a real estate license is
2 required.

3 E. Respondent shall notify the Commissioner in writing within 72 hours of
4 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate, Post
5 Office Box 137007, Sacramento, CA 95813-7007. The letter shall set forth the date of
6 Respondent's arrest, the crime for which Respondent was arrested and the name and address of
7 the arresting law enforcement agency. Respondent's failure to timely file written notice shall
8 constitute an independent violation of the terms of the restricted license and shall be grounds for
9 the suspension or revocation of that license.

10 This Order shall become effective at 12 o'clock noon on JUN 12 2018

11 IT IS SO ORDERED 5/18/2018

12 WAYNE S. BELL
13 REAL ESTATE COMMISSIONER

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