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FILED

AUG 20 2013

BUREAU OF REAL ESTATE

By *L. Frost*

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

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In the Matter of the Accusation of

SCOTT EVERETT PIPER,

Respondent.

No. H-6998 SF

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

On March 8, 1994, in Case No. H-6998 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective April 29, 1994.

On April 16, 2012, 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.

I have considered Respondent's petition and the evidence and arguments in support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has undergone sufficient rehabilitation to warrant the reinstatement of Respondent's unrestricted real estate salesperson license.

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1 The burden of proving rehabilitation rests with the petitioner (*Feinstein v. State*
2 *Bar* (1952) 39 Cal. 2d 541). A petitioner is required to show greater proof of honesty and
3 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
4 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

8 Regulation 2911(c) Expungement of criminal convictions resulting from immoral
9 or antisocial acts.

10 Respondent failed to provide evidence that his criminal convictions of 1998 and
11 1999 have been expunged.

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

14 (1) Testimony of applicant.

15 Respondent has failed to fully take responsibility for his actions that led to his
16 criminal convictions. In addition, since his conditional real estate salesperson license was
17 revoked in 1994, Respondent was convicted of driving under the influence in 1998 and driving
18 without a license in 1999; he has had outstanding monetary obligations; he wrongfully retained a
19 deposit from a prospective buyer of his real property; and Respondent failed to disclose his 1998
20 and 1999 criminal convictions on his 2000 petition for reinstatement.

21 (3) Evidence from probation or parole officers or law enforcement officials
22 competent to testify as to applicant's social adjustments.

23 Respondent failed to provide evidence from probation or parole officers or law
24 enforcement officials regarding his social adjustments.

25 (5) Absence of subsequent felony or misdemeanor convictions that are reflective
26 of an inability to conform to societal rules when considered in light of the conduct in question.

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1 Since his conditional real estate salesperson license was revoked in 1994,
2 Respondent has sustained two additional criminal convictions, for driving under the influence in
3 1998, and driving without a license in 1999.

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

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

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

12 2. Submittal of a completed application and payment of the fee for a
13 restricted real estate salesperson license.

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

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

21 B. The restricted license issued to Respondent may be suspended prior to
22 hearing by Order of the Real Estate Commissioner on evidence satisfactory to the Commissioner
23 that Respondent has violated provisions of the California Real Estate Law, the Subdivided Lands
24 Law, Regulations of the Real Estate Commissioner or conditions attaching to the restricted
25 license.

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

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

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

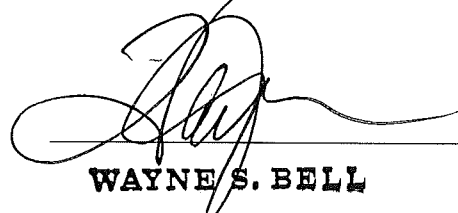
11 2. That the employing broker will exercise close supervision over the
12 performance by the restricted licensee relating to activities for which a real estate license is
13 required.

14 This Order shall become effective at 12 o'clock noon on SEP 09 2013.

15 IT IS SO ORDERED

8/19/2013

16 REAL ESTATE COMMISSIONER

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20 **WAYNE S. BELL**