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SEP 20 2012

DEPARTMENT OF REAL ESTATE

By L. Frost

BEFORE THE DEPARTMENT OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

SEDALIA AMILLIOTT BENTON,

No. H-8800 SF

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On October 19, 2004, a Decision was rendered in Case No. H-8800 SF revoking the real estate broker license of Respondent effective November 29, 2004, but granting Respondent the right to the issuance of a restricted real estate broker license. A restricted real estate broker license was issued to Respondent on November 29, 2004, and Respondent has operated as a restricted licensee since that time.

On December 6, 2011, 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

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1 integrity than an applicant for first time licensure. The proof must be sufficient to overcome the
2 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

3 I have considered the petition of Respondent and the evidence submitted in
4 support thereof. Respondent has failed to demonstrate to my satisfaction that Respondent has
5 undergone sufficient rehabilitation to warrant the reinstatement of Respondent's real estate
6 broker license at this time.

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

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

12 Respondent has not only failed to provide information that she has discharged, or
13 made efforts to discharge, adjudicated debts or other monetary obligations to others, she has been
14 the subject of approximately 25 new liens since August 2010. Respondent is also a defendant in
15 numerous civil lawsuits, including a current federal civil suit.

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

18 (1) Testimony of applicant.

19 Respondent has provided no information from which it can be concluded that she
20 has changed her attitude from that which existed at the time of the conduct which led to the
21 revocation of her real estate broker license. She was asked to provide proof of payment of the
22 liens filed against her, but provided no such proof, and exhibited a lack of concern for the
23 existence of the liens against her.

24 Given the violations found and the fact that Respondent has not established that
25 Respondent has satisfied Regulations 2911 (j), and (n)(1), I am not satisfied that Respondent is
26 sufficiently rehabilitated to receive a real estate broker license.

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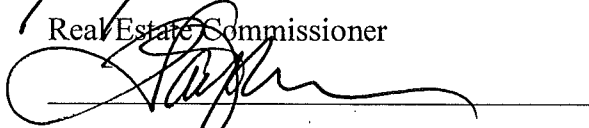
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NOW, THEREFORE, IT IS ORDERED that Respondent's petition for
reinstatement of Respondent's real estate broker license is denied.

This Order shall become effective at 12 o'clock noon on OCT 10 2012

IT IS SO ORDERED 8/10/2012

Real Estate Commissioner



By WAYNE S. BELL
Chief Counsel