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**FILED**

FEB 27 2014

BUREAU OF REAL ESTATE

By K. Contreras

BEFORE THE BUREAU OF REAL ESTATE

STATE OF CALIFORNIA

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In the Matter of the Accusation of

RICHARD ROYCE GOLD,

Respondent.

No. H-10035 SF

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

On January 22, 2008, in Case No. H-10035 SF, a Decision was rendered revoking the real estate salesperson license of Respondent effective February 13, 2008.

On May 22, 2013, Respondent petitioned for reinstatement of said real estate salesperson license for the third time (prior petition filed on March 23, 2009, which was denied, and a second petition filed on approximately February 7, 2012, which was withdrawn), and the Attorney General of the State of California has been given notice of the filing of said petition.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).

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

5 The Bureau has developed criteria in Section 2912 of Title 10, California Code of  
6 Regulations (Regulations) to assist in evaluating the rehabilitation of a licensee against whom an  
7 administrative disciplinary action has been initiated for reinstatement of a license. Among the  
8 criteria relevant in this proceeding are:

9 Regulation 2912(k) Completion of, or sustained enrollment in, formal educational  
10 or vocational training courses for economic self-improvement.

11 Respondent has provided no information that he has completed, or is enrolled in,  
12 formal educational or vocational training courses for economic self-improvement.

13 Regulation 2912(h) Correction of business practices resulting in injury to others  
14 or with the potential to cause such injury.

15 Respondent has provided no information that he has corrected his business  
16 practices which resulted in injury or potential injury to others.

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

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

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

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

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

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

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

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

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

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

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

26                   E.     Respondent shall notify the Commissioner in writing within 72 hours of  
27 any arrest by sending a certified letter to the Commissioner at the Bureau of Real Estate,

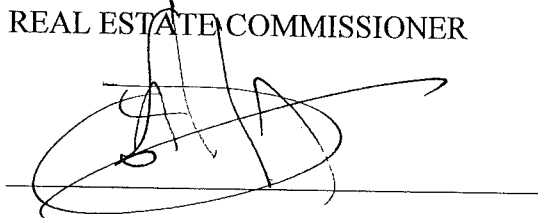
1 1651 Exposition Blvd., Post Office Box 137000, Sacramento, CA 95813-7000. The letter shall  
2 set forth the date of Respondent's arrest, the crime for which Respondent was arrested and the  
3 name and address of the arresting law enforcement agency. Respondent's failure to timely file  
4 written notice shall constitute an independent violation of the terms of the restricted license and  
5 shall be grounds for the suspension or revocation of that license.

6 F. Respondent shall, before the issuance of the restricted license or within six  
7 months from the issuance of the restricted license, take and pass the Professional Responsibility  
8 Examination administered by the Bureau including the payment of the appropriate examination  
9 fee. If Respondent fails to satisfy this condition, the license issued to Respondent shall be  
10 automatically and indefinitely suspended until Respondent passes the examination.

11 This Order shall become effective at 12 o'clock noon on 3-19-14.

12 IT IS SO ORDERED FEB 27 2014

13 REAL ESTATE COMMISSIONER

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18 By: JEFFREY MASON  
19 Chief Deputy Commissioner  
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