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**FILED**

OCT 10 2018

DEPARTMENT OF REAL ESTATE  
By S. Black

BEFORE THE DEPARTMENT OF REAL ESTATE  
STATE OF CALIFORNIA

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In the Matter of the Accusation of

LEONARD DAENELE SARGENT,

No. H-10633 SF

Respondent.

ORDER DENYING REINSTATEMENT OF LICENSE

On October 13, 2009, a Decision was rendered in Case No. H-10633 SF revoking the real estate salesperson license of Respondent effective November 4, 2009, but granting Respondent the right to the issuance of a restricted real estate salesperson license. A restricted real estate salesperson license was issued to Respondent on November 4, 2009.

On September 26, 2014, a Decision was rendered in Case No. H-11648 SF revoking the restricted real estate salesperson license of Respondent effective October 20, 2014.

On December 6, 2017, 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.

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 the petition of Respondent and the evidence submitted in  
2 support thereof.

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

6 Regulation 2911(a) The passage of not less than two years since the most recent  
7 criminal conviction or act of the applicant that is a basis to deny the Department action sought.  
8 (A longer period will be required if there is a history of acts or conduct substantially related to  
9 the qualifications, functions or duties of a licensee of the Department.)

10 Respondent's most recent conviction occurred less than two years ago.

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

13 Respondent has not had any of his criminal convictions expunged.

14 Regulation 2911(e) Successful completion or early discharge from probation or  
15 parole.

16 Respondent is still on probation for his 2016 conviction.

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

19 Respondent was ordered to pay the Department of Real Estate the costs of  
20 investigation and enforcement fees in the amount of \$3,329.00 per the Decision effective  
21 October 20, 2014.

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 salesperson 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), (c), (e) and (j), I am not satisfied that Respondent  
27 is sufficiently rehabilitated to receive a real estate salesperson license.

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

3 This Order shall become effective at 12 o'clock noon on **OCT 31 2018**  
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5 IT IS SO ORDERED October 1, 2018  
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7 DANIEL J. SANDRI  
8 ACTING REAL ESTATE COMMISSIONER  
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