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BUREAU OF REAL ESTATE

By L. Frost

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BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

In the Matter of the Accusation of

DEAN CHARLES SOUZA,

Respondent.

No. H-10634 SF

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

On June 1, 2010, in Case No. H-10634 SF, a Decision was rendered revoking the real estate broker license of Respondent effective June 22, 2010, but granting Respondent the right to the issuance of a restricted salesperson license. A restricted real estate salesperson license was issued to Respondent on June 22, 2010, and Respondent has held a restricted licensee since that time.

On November 14, 2014, 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

1 prior adverse judgment on the applicant's character (*Tardiff v. State Bar* (1980) 27 Cal. 3d 395).

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

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

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

11 Respondent has outstanding federal tax liens in the amount of approximately
12 \$12,000.

13 Respondent also has an outstanding judgment against him from 2009 due to a
14 failed business. Respondent claims that his signature was forged on a relevant document, but
15 Respondent has provided no evidence the judgment has been released.

16 Given the violations found and the fact that Respondent has not established that
17 Respondent has satisfied Regulation 2911(j), I am not satisfied that Respondent is sufficiently
18 rehabilitated to receive an unrestricted real estate broker license. I am satisfied, however, that it
19 will not be against the public interest to issue a restricted real estate broker license to
20 Respondent.

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

25 1. Submits a completed application and pays the fee for a real estate broker
26 license within the 12 month period following the effective date of this Order; and
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1 completed either (i) within the 12 month period preceding the filing of the completed
2 application, or (ii) within the 12 month period following the effective date of this Order.

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

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

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

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

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

8 This Order shall become effective at 12 o'clock noon on APR 01 2015.

9 IT IS SO ORDERED 2/5/2015

10 REAL ESTATE COMMISSIONER

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12 Wayne S. Bell

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