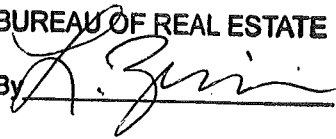


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FILED

NOV 25 2013

BUREAU OF REAL ESTATE

By 

BEFORE THE BUREAU OF REAL ESTATE
STATE OF CALIFORNIA

* * *

In the Matter of the Accusation of

RAY W. SOWARDS,

Respondent.

No. H-10830 SF

ORDER DENYING REINSTATEMENT OF LICENSE

On September 15, 2010, a Decision was rendered in Case No. H-10830 SF
revoking the real estate broker license of Respondent effective October 5, 2010, 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 8, 2010, and Respondent
has operated as a restricted licensee since that time.

On November 5, 2012, 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.

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

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

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

14 Respondent has outstanding tax liens filed by the IRS in the amount of \$251,496,
15 and by the California Franchise Tax Board in the amount of \$6,657. During the petition process,
16 the Bureau learned that Respondent owes approximately \$350,000 to the IRS and \$56,000 to the
17 State of California.

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

20 (1) Testimony of applicant.

21 (2) Evidence from family members, friends or other persons familiar with
22 applicant's previous conduct and with his subsequent attitudes and behavioral
23 patterns.

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

26 (4) Evidence from psychiatrists or other persons competent to testify with regard
27 to neuropsychiatric or emotional disturbances.

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

4 Respondent has failed to take responsibility for his failures to correctly report his
5 income, which resulted in the suspension of his State Bar license, and the revocation of his real
6 estate broker license.

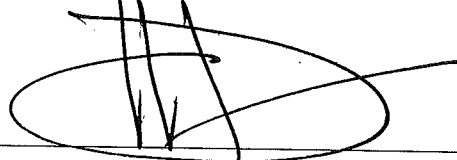
7 Given the violations found and the fact that Respondent has not established that
8 Respondent has satisfied Regulations 2911(j) and (n), I am not satisfied that Respondent is
9 sufficiently rehabilitated to receive a real estate broker license.

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

12 This Order shall become effective at 12 o'clock noon on **DEC 16 2013**

13 IT IS SO ORDERED **NOV 22 2013**

14 Real Estate Commissioner

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18 By: JEFFREY MASON
19 Chief Deputy Commissioner